

To: Bangerter, Layne[bangerter.layne@epa.gov]
From: Ericksen, Doug
Sent: Thur 2/9/2017 3:07:46 PM
Subject: Re: Meeting Tomorrow

Layne. My flight was rescheduled. Will arrive after 6 pm today.

Sorry about not being able to be at meeting today.

Ericksen

Sent from my iPhone

On Feb 8, 2017, at 10:22 AM, Bangerter, Layne <bangerter.layne@epa.gov> wrote:

This is Murkowski staff, 3PM to 3:20, for you to get acquainted. Tracking the storm!

From: Tomassi, Chris (Appropriations) [mailto:Chris_Tomassi@appro.senate.gov]
Sent: Wednesday, February 8, 2017 12:06 PM
To: Bangerter, Layne <bangerter.layne@epa.gov>
Subject: Meeting Tomorrow

Hey Layne – We'll meet tomorrow at 3 PM in SH-522. Keep me posted on Doug's travel arrangements and we'll go from there.

Hopefully, we'll see you then.

Thanks!

Chris

Chris Tomassi

Professional Staff

Senate Appropriations Committee

Subcommittee on Interior, Environment, and Related Agencies

Chris_Tomassi@appro.senate.gov

To: Richardson, RobinH[Richardson.RobinH@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
Cc: Anderson, Denise[anderson.denise@epa.gov]
From: Benton, Donald
Sent: Wed 2/22/2017 6:55:08 PM
Subject: FW: Invitation For Secretary Pruitt to speak to American Farm Bureau 2/28/2017

3/1/17- 10:00am.

I am not sure who will handle this. Please help organize one or two key staff to attend and answer their questions. We need arrangements for their greeting at security and access to the building.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: John Stuhlmiller [mailto:JStuhlmiller@wsfb.com]
Sent: Tuesday, February 21, 2017 6:34 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: Re: Invitation For Secretary Pruitt to speak to American Farm Bureau 2/28/2017

Here is our list of attendees for the meeting on 3/1/2017 at 10 AM. Based on past agency visits, I think this will work, but if I missed something please let me know.

Security Form for
3/1/17 visit

First Name	Middle	Last Name	DOB	Citizen	Gender	City	State	County
Michael	Glenn	LaPlant			Male		WA	Grant
Aaron	G	Golladay		Personal Matters/Ex. 6	Male	Personal Matters/Ex. 6	WA	Grant

Bradley	William	Haberman	Personal Matters/Ex. 6	Male	Personal Matters/Ex. 6	WA	Kittitas
John	Christopher	Stuhlmiller		Male		WA	Thurston
Sarah	Louise	Howard		Female		WA	King
Melodie	Janie	Kirk		Female		WA	Whatcom
Paula		McKay		Female		WA	Adams
Rosella	Zehnder	Mosby		Female		WA	King
Andrea	Dale	Vincent		Female		WA	Grant
Jon	Cordell	Wyss		Male		WA	Okanogan

Looking forward to our visit next week.

Best regards,

John Stuhlmiller

Chief Executive Officer



Cell: (b) (6)

Office: 360.528.2903

This e-mail message may contain privileged and/or confidential information, and is intended to be received only by persons entitled to receive such information. If you have received this e-mail in error, please notify the sender immediately. Please delete it and all attachments from any servers, hard drives or any other media. Other use of this e-mail by you is strictly prohibited.

From: Don Benton <benton.donald@epa.gov>

Date: Saturday, February 18, 2017 at 10:39 AM

To: John Stuhlmiller <JStuhlmiller@wsfb.com>

Subject: RE: Invitation For Secretary Pruitt to speak to American Farm Bureau 2/28/2017

I have scheduled the WA group for here at 10 and have passed on the invitation to The Administrator's scheduler for consideration.

Looking forward to seeing you.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: John Stuhlmiller [<mailto:JStuhlmiller@wsfb.com>]

Sent: Friday, February 17, 2017 12:10 PM

To: Benton, Donald <benton.donald@epa.gov>

Cc: Cody Lyon <codyl@fb.org>; Jordan Craig <jcraig@fb.org>; Ryan Yates <ryany@fb.org>

Subject: Invitation For Secretary Pruitt to speak to American Farm Bureau 2/28/2017

Greetings Don,

Thank you so much for the contact yesterday. I am officially extending an invitation to Secretary Pruitt to speak to the American Farm Bureau at our Advocacy Conference on February 28th. This will be a gathering of hundreds of members from across the country to learn about and discuss key public policy issues before heading to the Capitol the following day to meet with Congressional members.

The main contact for the event is Cody Lyon who can be reached by phone at Personal Phone/Ex. 6 I have also added his email plus two other key staff emails as cc's to this message so you or your staff can follow up with a simple reply to all on this message.

The preferred time slot for an address by the Secretary is between 1:30 and 3 pm on Tuesday the 28th. If that window does not work, arrangements could be made to accommodate him between 11 and 1:30 as a fall back.

The meeting will be held at the Gaylord Convention Center.

Thank you for your help in lining this awesome opportunity up.

Best regards,

John Stuhlmiller

Chief Executive Officer



Cell: (b) (6)

Office: 360.528.2903

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To: Richardson, RobinH[Richardson.RobinH@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Anderson, Denise[anderson.denise@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]; Hannon, Arnita[Hannon.Arnita@epa.gov]; Anderson, Denise[anderson.denise@epa.gov]
From: Benton, Donald
Sent: Fri 2/24/2017 2:50:15 PM
Subject: RE: Update: Call w/Mayor Condon, Spokane, WA re: WA State Water Quality Standards

I would like to listen in to the call, please add to my calendar

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Richardson, RobinH
Sent: Thursday, February 23, 2017 12:47 PM
To: Benton, Donald <benton.donald@epa.gov>; Ericksen, Doug <ericksen.doug@epa.gov>
Cc: Flynn, Mike <Flynn.Mike@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>; Anderson, Denise <anderson.denise@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Hannon, Arnita <Hannon.Arnita@epa.gov>; Anderson, Denise <anderson.denise@epa.gov>
Subject: Update: Call w/Mayor Condon, Spokane, WA re: WA State Water Quality Standards

Hi Don & Doug –

We received an update on the call from R10. Mike Shapiro, Acting AA for Water, and Dan Opalski, Acting DAA for Region 10, will conduct the conference call with Mayor Condon next Thursday, March 2. If you have any questions or want to discuss further please let me know.

Best, Robin

Robin H Richardson

Principal Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-3358 (desk)

(b) (6) (cell)

richardson.robinh@epa.gov

From: Richardson, RobinH

Sent: Wednesday, February 22, 2017 2:34 PM

To: Benton, Donald <benton.donald@epa.gov>; Ericksen, Doug <ericksen.doug@epa.gov>

Cc: Flynn, Mike <Flynn.Mike@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>;

Anderson, Denise <anderson.denise@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>;

Hannon, Arnita <Hannon.Arnita@epa.gov>

Subject: Call w/Mayor Condon, Spokane, WA re: WA State Water Quality Standards

Hi Don & Doug – I wanted to let you know we have scheduled a call with his staff, OW and R10 next week, Thursday, March 2, at 3pm EST in follow up to Mayor Condon's February 7th letter expressing his concerns with EPA's Water Quality Rule for the State of Washington. If you are interested in participating, let me know and we'll work with Denise to include it on your calendars. If not, we're happy to provide you a summary of the call afterwards. If you need any additional information or have any questions please let me know. Best, Robin

Robin H Richardson

Principal Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-3358 (desk)

(b) (6)

(cell)

richardson.robinh@epa.gov

To: Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Konkus, John[konkus.john@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]
From: Kreutzer, David
Sent: Fri 2/10/2017 10:54:27 PM
Subject: Fwd: OITA Transition Briefing Follow Up

Don't know who asked these questions, so I'm sending to everybody.

Sent from my iPhone

Begin forwarded message:

From: "Nishida, Jane" <Nishida.Jane@epa.gov>
Date: February 10, 2017 at 5:48:23 PM EST
To: "Kreutzer, David" <kreutzer.david@epa.gov>
Cc: "Benton, Donald" <benton.donald@epa.gov>, "McCabe, Catherine" <McCabe.Catherine@epa.gov>
Subject: OITA Transition Briefing Follow Up

David,

At the OITA briefing to the transition team last week, there were three questions that we promised to get information on after contacting the relevant offices. The information to these questions are provided below:

Colwitz Tribe Water Reclamation Plant

-

Background: The Cowlitz Tribe is constructing a casino approximately 16 miles north of Vancouver, WA and has been in the planning stages for several years. The Tribe has constructed a Water Reclamation Plant with MBR technology to treat the Casino's wastewater, with deep injection of treated effluent and reuse of water for non-potable uses at the Casino.

Regulatory Requirements:

- The Tribe must comply with federal Underground Injection Control (UIC) regulations under the Safe Drinking Water Act. UIC wells are authorized by rule or by permit. The Cowlitz UIC wells were authorized by rule when the Tribe submitted the well inventory form in July 2015.
- EPA has responsibility for oversight and review of the injection system to ensure the project is designed to prevent an exceedance of federal drinking water Maximum Contaminant Levels (MCLs).
- EPA does not have jurisdiction to enforce Washington State's standards under the Safe Drinking Water Act in Indian Country, or other local municipal ordinances or water quality requirements.

EPA Actions:

- EPA Region 10 has been conducting oversight of the UIC wells, including technical comments on the design and monitoring and meetings with the Tribe and its consultant.
- EPA attended public information sessions organized by the Tribe, and met separately with concerned citizens and visited the site during well construction. EPA has also responded to letters from citizens and their legal counsel with information and fact sheets.
- EPA technical staff assesses proposed injectate quality, the monitoring and sampling plans, and the hydrogeological conditions for compliance with federal UIC requirements.
- EPA Region 10 currently has 16 Tribal Wastewater Treatment Plants in WA and OR, of which 7 employ MBR technology. All of these facilities are authorized by rule and periodically are inspected for compliance. Our records indicate these MBR facilities meet relevant MCLs for drinking water prior to injection.

Timeline: The Cowlitz Tribe plans to begin injection and use of the UIC wells in April 2017.

Contact: Dan Opalski, Acting Deputy Regional Administrator, EPA Region 10

U.S. Canada Transportation Compliance Program

Background: There is a long history of collaboration between EPA and Environment and Climate Change Canada (ECCC) to reduce transportation emissions, largely fostered by the framework of the Canada-U.S. Air Quality Agreement (AQA). The transportation sectors in Canada and the U.S. are highly integrated. EPA and ECCC have common policy objectives on reducing emissions from the transportation sector and similar performance monitoring and verification priorities. A strategic work plan under the AQA exists between EPA's Office of Transportation and Air Quality (OTAQ) and ECCC that covers collaboration in a number of areas, including the administration of vehicle and engine compliance programs.

Transportation Compliance Program: Regarding the transportation compliance program, OTAQ works closely with ECCC to ensure that products sold in the U.S. and Canada comply with applicable regulations based on a Certificate of Conformity issued by EPA. This collaboration includes biannual upper management meetings to establish the annual broad compliance agenda as well as discuss any potential new initiatives. In addition, and in an effort to increase program efficiency and avoid duplication of efforts, ongoing staff-level discussions include sharing of information related to vehicles/engines planned for testing and test results as appropriate.

EPA and ECCC routinely share information regarding testing programs up to the point of opening formal investigations. EPA has even received tips related to potential issues of noncompliance directly from ECCC. But the details of formal compliance investigations are not shared and remain within the EPA.

National Congress of American Indians Winter Meeting

-

I have confirmed that EPA has no speaking role in the National Congress of American Indians Winter Meeting next week, but I will be attending some of the sessions as an observer. In particular, the State of Indian Nations Report by the NCAI President Brian Cladoosby on Monday, February 13, at 9:00am, and the White House Update by the White House Director of Intergovernmental Affairs William Kirkland at 2:15pm later that day. The link to the full agenda can be found in the NCAI website link provided below.

-

http://www.ncai.org/conferences-events/ncai-events/2017_ECWS_Draft_Agenda_2.8.pdf

If you need additional information on any of these issues, please let me know.

Jane

To: Benton, Donald[benton.donald@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]
Cc: Flynn, Mike[Flynn.Mike@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Anderson, Denise[anderson.denise@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]; Hannon, Arnita[Hannon.Arnita@epa.gov]; Anderson, Denise[anderson.denise@epa.gov]
From: Richardson, RobinH
Sent: Thur 2/23/2017 5:47:27 PM
Subject: Update: Call w/Mayor Condon, Spokane, WA re: WA State Water Quality Standards

Hi Don & Doug –

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Best, Robin

Robin H Richardson

Principal Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-3358 (desk)

(b) (6)

(cell)

richardson.robinh@epa.gov

From: Richardson, RobinH

Sent: Wednesday, February 22, 2017 2:34 PM

To: Benton, Donald <benton.donald@epa.gov>; Ericksen, Doug <ericksen.doug@epa.gov>

Cc: Flynn, Mike <Flynn.Mike@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>; Anderson, Denise <anderson.denise@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Hannon, Arnita <Hannon.Arnita@epa.gov>

Subject: Call w/Mayor Condon, Spokane, WA re: WA State Water Quality Standards

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Principal Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

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richardson.robinh@epa.gov

To: Benton, Donald[benton.donald@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov];
Ericksen, Doug[ericksen.doug@epa.gov]
Cc: Anderson, Denise[anderson.denise@epa.gov]; Ferris, Lena[Ferris.Lena@epa.gov]; Jackson,
Ryan[jackson.ryan@epa.gov]
From: Richardson, RobinH
Sent: Wed 2/22/2017 10:26:36 PM
Subject: RE: Invitation For Secretary Pruitt to speak to American Farm Bureau 2/28/2017

Hi Don – I'm including Lena Ferris who staffs our Ag office and would be a good person to attend the meeting on Wednesday, 3/1. To clarify, we're only staffing the Wednesday meeting, here, at this point. Is that correct? If so, would you like us to work with Denise, Michelle and others to manage the logistics? Thank you, Robin

Robin H Richardson

Principal Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-3358 (desk)

(b) (6)

(cell)

richardson.robinh@epa.gov

From: Benton, Donald

Sent: Wednesday, February 22, 2017 1:55 PM

To: Richardson, RobinH <Richardson.RobinH@epa.gov>; Bangerter, Layne
<bangerter.layne@epa.gov>; Ericksen, Doug <ericksen.doug@epa.gov>

Cc: Anderson, Denise <anderson.denise@epa.gov>

Subject: FW: Invitation For Secretary Pruitt to speak to American Farm Bureau 2/28/2017

3/1/17- 10:00am.

I am not sure who will handle this. Please help organize one or two key staff to attend and answer their questions. We need arrangements for their greeting at security and access to the building.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: John Stuhlmiller [<mailto:JStuhlmiller@wsfb.com>]

Sent: Tuesday, February 21, 2017 6:34 PM

To: Benton, Donald <benton.donald@epa.gov>

Subject: Re: Invitation For Secretary Pruitt to speak to American Farm Bureau 2/28/2017

Here is our list of attendees for the meeting on 3/1/2017 at 10 AM. Based on past agency visits, I think this will work, but if I missed something please let me know.

Security Form for
3/1/17 visit

First Name	Middle	Last Name	DOB	Citizen	Gender	City	State	County
Michael	Glenn	LaPlant	Ex. 6 - Personal Privacy		Male	Personal Address/Ex. 6	WA	Grant
Aaron	G	Golladay			Male		WA	Grant
Bradley	William	Haberman			Male		WA	Kittitas
John	Christopher	Stuhlmiller			Male		WA	Thurston
Sarah	Louise	Howard			Female		WA	King
Melodie	Janie	Kirk			Female		WA	Whatcom
Paula		McKay			Female		WA	Adams
Rosella	Zehnder	Mosby			Female		WA	King
Andrea	Dale	Vincent			Female		WA	Grant
Jon	Cordell	Wyss			Male		WA	Okanogan

Looking forward to our visit next week.

Best regards,

John Stuhlmiller

Chief Executive Officer



Cell: (b) (6)

Office: 360.528.2903

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From: Don Benton <benton.donald@epa.gov>

Date: Saturday, February 18, 2017 at 10:39 AM

To: John Stuhlmiller <JStuhlmiller@wsfb.com>

Subject: RE: Invitation For Secretary Pruitt to speak to American Farm Bureau 2/28/2017

I have scheduled the WA group for here at 10 and have passed on the invitation to The Administrator's scheduler for consideration.

Looking forward to seeing you.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: John Stuhlmiller [<mailto:JStuhlmiller@wsfb.com>]

Sent: Friday, February 17, 2017 12:10 PM

To: Benton, Donald <benton.donald@epa.gov>

Cc: Cody Lyon <codyl@fb.org>; Jordan Craig <jcraig@fb.org>; Ryan Yates <ryany@fb.org>

Subject: Invitation For Secretary Pruitt to speak to American Farm Bureau 2/28/2017

Greetings Don,

Thank you so much for the contact yesterday. I am officially extending and invitation to Secretary Pruitt to speak to the American Farm Bureau at our Advocacy Conference on February 28th. This will be a gathering of hundreds of members from across the country to learn about and discuss key public policy issues before heading to the Capitol the following day to meet with Congressional members.

The main contact for the event is Cody Lyon who can be reached by phone at 202.406.3736. I have also added his email plus two other key staff emails as cc's to this message so you or your staff can follow up with a simple reply to all on this message.

The preferred time slot for an address by the Secretary is between 1:30 and 3 pm on Tuesday the 28th. If that window does not work, arrangements could be made to accommodate him between 11 and 1:30 as a fall back.

The meeting will be held at the Gaylord Convention Center.

Thank you for your help in lining this awesome opportunity up.

Best regards,

John Stuhlmiller

Chief Executive Officer



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To: Benton, Donald[benton.donald@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Schnare, David[schnare.david@epa.gov]; sugiyama.george@epa.mail[sugiyama.george@epa.mail]; Kreutzer, David[kreutzer.david@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Ericksen, Doug
Sent: Tue 2/21/2017 9:15:04 PM
Subject: message from Ericksen

Dear Beachhead Team Members,

Tonight I am flying out to Washington state to work at my State Senate job and continue to work in my capacity as Chair of the Energy and Environment Committee.

I want to share with you what a great experience this last month has been. The beachhead team is unlike any experience I have ever had.

This is the greatest “team” experience and feeling I have had since my days in competitive sports.

I have come to appreciate each and every one of you for the gifts that you have and your commitment to the cause.

I am looking forward to getting back out here to DC to continue in our efforts.

I will be in contact and available while in Washington state. In the short term I will be working out of the Region 10 office in Seattle.

All the best to each one of you and thank you for all that you are doing to Make America Great Again.

Doug Ericksen

Personal Phone/Ex. 6

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Bangerter, Layne
Sent: Wed 2/8/2017 6:22:26 PM
Subject: FW: Meeting Tomorrow

This is Murkowski staff, 3PM to 3:20, for you to get acquainted. Tracking the storm!

From: Tomassi, Chris (Appropriations) [mailto:Chris_Tomassi@appro.senate.gov]
Sent: Wednesday, February 8, 2017 12:06 PM
To: Bangerter, Layne <bangerter.layne@epa.gov>
Subject: Meeting Tomorrow

Hey Layne – We'll meet tomorrow at 3 PM in SH-522. Keep me posted on Doug's travel arrangements and we'll go from there.

Hopefully, we'll see you then.

Thanks!

Chris

Chris Tomassi

Professional Staff

Senate Appropriations Committee

Subcommittee on Interior, Environment, and Related Agencies

Chris_Tomassi@appro.senate.gov

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
Cc: Ericksen, Doug[ericksen.doug@epa.gov]
From: Benton, Donald
Sent: Mon 2/20/2017 9:56:59 PM
Subject: FW: Puget Sound NDZ [WARNING: DKIM validation failed]
[removed.txt](#)
[2017-03353.pdf](#)
[ATT00001.htm](#)
[removed.txt](#)

Kevin, I think this communication from WA state should be handled by your office, not by me or Sen. Ericksen.

Thanks,

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Charlie Costanzo [mailto:CCostanzo@americanwaterways.com]
Sent: Saturday, February 18, 2017 12:40 PM
To: Benton, Donald <benton.donald@epa.gov>; Ruff, Sandy <Sandy.Ruff@leg.wa.gov>; doug.ericksen@leg.wa.gov
Cc: 'Clifford A. Webster (cwebster@carneylaw.com)' <cwebster@carneylaw.com>; 'Peter Schrapen' <peter@nmta.net>; Doug Levy (Doug@outcomesbylevy.onmicrosoft.com) <Doug@outcomesbylevy.onmicrosoft.com>; 'Young, Tom' <Tom.Young@mail.house.gov>; 'colin.swanson@mail.house.gov' <colin.swanson@mail.house.gov>; 'James Tupper' <tupper@tmw-law.com>; gwirtz@clia-nwc.com; 'Donna Spalding' <dspalding@clia-nwc.com>; Lynn Muench <LMuench@americanwaterways.com>; Dorjets, Vlad

EOP/Ex. 6

EOP/Ex. 6

Subject: RE: Puget Sound NDZ [WARNING: DKIM validation failed]
Importance: High

Dear Senators Ericksen and Benton:

I received the attached copy of the attached prepublication of the February 21 Federal Register stating that EPA is moving ahead with a Final Affirmative Determination of the Puget Sound NDZ.

As you might understand, this is extremely disappointing and surprising given that we understood from several communications that the Determination would be subject to the regulatory freeze authorized by President Trump's January 20 directive.

At this point, we are wondering if anything can be done to hold this determination or roll it back until former RA Dennis McLerran's justification for determining the adequacy of pumpout capacity in Puget Sound for commercial vessels can be fully understood and evaluated.

Your assistance is urgently requested.

Thank you!

- Charlie

Charles P. Costanzo

Vice President – Pacific Region

The American Waterways Operators »

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com

(206) 257-4723 (Office)

Personal Phone/Ex. 6 (Mobile)

(866) 954-8481 (Fax)

From: Charlie Costanzo

Sent: Wednesday, February 15, 2017 9:59 AM

To: 'benton.donald@epa.gov' <benton.donald@epa.gov>; Ruff, Sandy
<Sandy.Ruff@leg.wa.gov>; 'doug.ericksen@leg.wa.gov' <doug.ericksen@leg.wa.gov>

Cc: 'Clifford A. Webster (cwebster@carneylaw.com)' <cwebster@carneylaw.com>; 'Peter
Schrappen' <peter@nmta.net>; Doug Levy (Doug@outcomesbylevy.onmicrosoft.com)
<Doug@outcomesbylevy.onmicrosoft.com>

Subject: Puget Sound NDZ

Dear Senators Ericksen and Benton:

I write on behalf of The American Waterways Operators (AWO), the national trade association for the tugboat and barge industry, to ask for your assistance rolling back the Puget Sound No-Discharge Zone (NDZ), a badly misguided and procedurally-flawed joint regulatory proposal of the Dept. of Ecology and the EPA. The policy would force vessel owners to abandon federally-approved onboard sewage treatment systems despite the absence of scientific evidence to suggest these systems harm the marine environment in any way. The policy would force vessel owners to install holding tanks onboard the vessel and pump untreated sewage to a shore-based treatment system. For my industry alone, the regulation would cost operators over \$15 million and provide zero benefit to the environment.

On the evening before President Trump was inaugurated, EPA representatives called maritime industry advocates to let them know that then-EPA administrator Dennis McLerran had signed a determination that the capacity of shoreside facilities was sufficient to accommodate the regulated community. The determination should be invalidated because there is exactly one shoreside facility in all of Puget Sound (at the Port of Bellingham) that could even accommodate a typical tugboat, fish processor, or small cruise vessel. McLerran's determination was signed, and shortly after the inauguration Senator Benton confirmed to Cliff that the determination was subject to the President's regulatory freeze declaration of January 20 and that it will not be noticed in the Federal Register.

We are working to ensure that RA McLerran's determination is never noticed and that the Puget Sound NDZ, as promulgated by the Dept. of Ecology, is never implemented. It's bad policy and we can articulate better ways that the industry and regulators can achieve water quality improvement from onboard sewage treatment. We would love the opportunity to talk with you by phone or in person about this issue. It's extremely important for the commercial and recreational boating community in Washington State. It even impacts which out of state vessels can trade in our waters.

I am copying in several other maritime industry advocates who worked over a period of years to persuade Ecology to adopt sensible NDZ policy for Puget Sound. They are Peter Schrappe of the Northwest Marine Trade Association (NMTA), Doug Levy from the Recreational Boaters of Washington, and Cliff Webster who works in Olympia for both AWO and NMTA. We have a much larger coalition of maritime industry groups that engaged on this issue with Ecology to no avail. I attach a letter that describes the coalition and our position. I also attach a letter from Rep. Dave Reichert to EPA urging them to exercise caution on this issue. It appears that EPA didn't take the Congressman's advice and instead opted for an 11th hour rulemaking.

Please let me know if you can find some time to meet with us or chat by phone. I'm happy to accommodate your schedule however works best.

Thank you so much!

- Charlie Costanzo

Charles P. Costanzo

Vice President – Pacific Region

The American Waterways Operators ■

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com

(206) 257-4723 (Office)

Personal Phone/Ex. 6 (Mobile)

(866) 954-8481 (Fax)

approximately 1,760 feet above mean sea level (msl) created through construction of new roller-compacted concrete or rock-filled dams and/or dikes; (2) excavating a new lower reservoir with a surface area of 131 acres and a total storage capacity of 5,040 acre-feet at a surface elevation of 1,099 feet msl; (3) a new 900-foot-long, 48-inch-diameter penstock connecting the upper reservoirs; (4) a new 3,387-foot-long, 48-inch-diameter penstock connecting the upper and lower reservoirs; (5) a new 150-foot-long, 50-foot-wide powerhouse containing two turbine-generator units with a total rated capacity of 300 megawatts; (6) a new transmission line connecting the powerhouse to a nearby electric grid interconnection point with options to evaluate multiple grid interconnection locations; and (7) appurtenant facilities. Possible initial fill water and make-up water would come from Catawissa Creek. The proposed project would have an annual generation of 867,187 megawatt-hours.

Applicant Contact: Adam Rousselle, Merchant Hydro Developers, LLC, 5710 Oak Crest Drive, Doylestown, PA 18902; phone: (267) 254-6107.

FERC Contact: Tim Looney; phone: (202) 502-6096.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P-14807-000.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number

(P-14807) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: February 14, 2017.

Kimberly D. Bose,
Secretary.

[FR Doc. 2017-03323 Filed 2-17-17; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2017-0026; FRL-9959-39]

Statutory Requirements for Substantiation of Confidential Business Information (CBI) Claims Under the Toxic Substances Control Act (TSCA); Delay of Effective Date

AGENCY: Environmental Protection Agency (EPA).

ACTION: Delay of effective date.

SUMMARY: In accordance with the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review", this action delays until March 21, 2017, the effective date of the **Federal Register** Notice entitled "Statutory Requirements for Substantiation of Confidential Business Information (CBI) Claims Under the Toxic Substances Control Act (TSCA)", published in the **Federal Register** on January 19, 2017 (82 FR 6522, FRL-9958-34).

DATES: This action is effective February 21, 2017. The effective date of the **Federal Register** Notice entitled "Statutory Requirements for Substantiation of Confidential Business Information (CBI) Claims Under the Toxic Substances Control Act (TSCA)", published in the **Federal Register** on January 19, 2017 (82 FR 6522, FRL-9958-34), is delayed from March 20, 2017 to a new effective date of March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Scott M. Sherlock, Attorney Advisor, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 564-8257; email address: sherlock.scott@epa.gov.

SUPPLEMENTARY INFORMATION: EPA bases this action on the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review". That memorandum directed the heads

of Executive Departments and Agencies to temporarily postpone for sixty days from the date of the memorandum the effective dates of all regulations (defined in the January 20, 2017 memorandum to include "an interpretation of a statutory or regulatory issue") that had been published in the **Federal Register** but had not yet taken effect. The **Federal Register** Notice entitled "Statutory Requirements for Substantiation of Confidential Business Information (CBI) Claims Under the Toxic Substances Control Act (TSCA)" is subject to the effective date delay. The new effective date for this action is March 21, 2017.

If deemed appropriate, EPA may consider delaying the effective date of this action beyond March 21, 2017.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: February 13, 2017.

Wendy Cleland-Hamnett,
Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2017-03352 Filed 2-17-17; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9959-09-Region 10]

Washington State Department of Ecology Prohibition of Discharges of Vessel Sewage; Final Affirmative Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of determination.

SUMMARY: The Regional Administrator of the Environmental Protection Agency, Region 10, has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for all marine waters of Washington State inward from the line between New Dungeness Lighthouse and the Discovery Island Lighthouse to the Canadian border, and fresh waters of Lake Washington, Lake Union, and connecting waters between and to Puget Sound. This notice constitutes EPA's final determination on the petition submitted by the Washington State Department of Ecology on July 21, 2016, pursuant to Section 312(f)(3) of the Clean Water Act, 33 U.S.C. 1322, for a determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of Puget Sound. This determination does not itself constitute the designation of a no-discharge zone, rather, the State of Washington may now in its discretion

finalize its proposed designation in accordance with state law and take the steps it deems appropriate to implement and enforce the discharge prohibition.

EPA Response to Public Comments on the November 7, 2016 Preliminary Affirmative Determination

On November 7, 2016, EPA published notice of its preliminary affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters subject to Washington's proposed no-discharge zone [FR Number 2016–26877; 81 FR 78141, November 7, 2016] with a 30-day public comment period. At the request of stakeholders, EPA extended the 30-day public comment period from December 7, 2016 to December 23, 2016.

EPA received a total of 40,462 comments via letter, email, online using the Federal eRulemaking Portal, and in person. All forms of input were considered equally. Of the comments received, 328 were individual letters and 40,134 were form letters, mass mailers and/or petitions, a few with minor additions. Of the individual letters, approximately two-thirds supported and one-third opposed EPA's preliminary affirmative determination. Two mass mailers totaling 72 signatures opposed EPA's tentative affirmative determination and 40,062 supported it. Comments were submitted by individuals, environmental organizations, vessel associations, boating and yacht clubs, industry representatives, port authorities, county, federal, local and tribal governmental entities, and other interested groups.

In addition to comments expressing support or opposition to a Puget Sound no-discharge zone, many commenters specifically addressed the adequacy and availability of pumpout facilities, while others focused on broader issues beyond the scope of EPA's review and determination. All of the relevant comments received have been considered. EPA has prepared a response to comments that supports this determination. The response to comments document can be found at this Web site: <https://www.epa.gov/puget-sound/epas-final-determination-no-discharge-zone-puget-sound>.

FOR FURTHER INFORMATION, CONTACT: Catherine Gockel, U.S. EPA Region 10, Office of Water and Watersheds, 1200 Sixth Ave., Seattle, Washington 98101; telephone number (206) 553–0325; fax number (206) 553–1280; email address gockel.catherine@epa.gov.

SUPPLEMENTARY INFORMATION: The Department of Ecology has petitioned the United States Environmental Protection Agency (EPA), Region 10, pursuant to section 312(f)(3) of the Clean Water Act, 33 U.S.C. 1322, for a determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of Puget Sound. As described in the State's petition, submitted to EPA on July 21, 2016, the Washington State Department of Ecology has determined that the protection and enhancement of the quality of the waters of Puget Sound requires greater environmental protection, and petitioned the United States Environmental Protection Agency, Region 10, for a determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for those waters, so that the State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters.

According to the Ecology's petition, the western boundary of the NDZ would be the exit of the Strait of Juan de Fuca near the entrance of Admiralty Inlet. This boundary is known and visible to vessel operators as it is the line between New Dungeness Lighthouse and Discovery Island Lighthouse. The northern boundary would be the border with Canada and heading south including all marine waters down to the south end of the south Sound and Hood Canal. The fresh waters of Lake Washington, Union Bay, Montlake Cut, Portage Bay, Lake Union, Fremont Cut, the Lake Washington Ship Canal, and Salmon Bay (the connecting waters from Lake Washington to Puget Sound) would be included. For more information regarding the State's planned no-discharge zone, please go to: <http://www.ecy.wa.gov/programs/wq/nonpoint/CleanBoating/nodischargezone.html>.

Washington State Department of Ecology's Certificate of Need

The Washington State Department of Ecology developed its petition in order to establish a vessel sewage no-discharge zone for all marine waters of Washington State inward from the line between New Dungeness Lighthouse and the Discovery Island Lighthouse to the Canadian border, and fresh waters of Lake Washington, Lake Union, and connecting waters between and to Puget Sound, and has submitted a certificate that the protection and enhancement of the waters described in the petition

require greater environmental protection than the applicable Federal standard.

Adequacy and Availability of Sewage Pumpout Facilities

EPA's determination is based on the information provided in Ecology's July 21, 2016 petition as well as supplemental information that Ecology submitted to EPA on October 14, 2016, regarding commercial vessel pumpout availability in Puget Sound. In reaching this final determination, EPA has conducted additional outreach to verify and confirm the information provided in Ecology's submittals and follow up on comments received. The information obtained further supports EPA's determination that adequate pumpout out facilities for the safe and sanitary removal of sewage are reasonably available for both commercial and recreational vessels. Additional detail is provided below and in EPA's response to comments document.

Guidelines issued pursuant to the Clean Vessel Act for recreational vessels recommend one pumpout station for every 300–600 boats [Clean Vessel Act: Pumpout Station and Dump Station Technical Guidelines, **Federal Register**, Vol. 59, No. 47, March 10, 1994]. In its petition, the State described the recreational vessel population in Puget Sound as well as the stationary pumpout facilities and mobile pumpout services that are available for use.

The State used two methods to develop a reasonable estimate of the recreational vessel population in Puget Sound. The first method was based on boater registration records obtained from the Washington State Department of Licensing (DOL). Using data from the DOL, the maximum estimated number of recreational vessels in each of the Washington State counties bordering Puget Sound that might require access to pumpout facilities or services under NDZ regulations (*i.e.*, boats larger than 21 feet) is 43,677. Vessels under 21 feet were not included in the estimate because they typically do not have an installed toilet. Because boater registration data may include a number of small, locally registered, commercial vessels such as fishing boats or tug boats, the total may be an overestimate.

The second method was based on the number of moorages and slips available to boaters, using Google Earth imagery captured during the summers of 2011 and 2012 to count vacant and occupied marina slips and moored vessels. Using this method, the State estimates a recreational vessel population of 23,555. The State believes that this also may be an overestimate, albeit less of an overestimate than the number

calculated using the DOL boater registration data.

The State's petition also provided information about 173 pumpout units at 102 locations, and 21 mobile pumpout boats available for recreational vessels in Puget Sound. EPA's review of Ecology's petition and the comments received has confirmed that the total number, location and availability of these pumpout facilities and services track the overall distribution of the recreational vessel population. The ongoing costs for recreational vessels to pumpout is minimal, with most pumpouts being free or \$5 per pumpout. The majority of pumped sewage is sent to wastewater treatment plants; however, some is sent to onsite septic tanks that meet federal requirements.

The most conservative estimate of the ratio of pumpout facilities to recreational vessels is 1:171 boats for each pumpout facility, not including the mobile services. Based on DOL vessel registration data, there is a maximum of 43,677 recreation vessels in Puget Sound that could require access to pumpout facilities. As noted above, this is the State's most conservative (high) estimate. Using a 40 percent peak occupancy rate recommended by the Clean Vessel Act Technical Guidelines cited above, EPA has calculated that 17,471 of the 43,677 boats recreational vessels would require access to a pumpout facility during peak boating season. The State identified 102 recreational pumpout locations, which results in a ratio of 171 recreational vessels for each pumpout location, not including the mobile services. Applying the same 40% occupancy rate to the lower recreational vessel estimate of 23,555 obtained from the moorage count results in a ratio of 92 recreational vessels for each pumpout location, not including the mobile services.

Accordingly, even using the more conservative vessel count, the resulting ratio well exceeds the recommended minimum ratio of 1:600. In addition, EPA has confirmed that numerous mobile pumpout trucks and vessels are available to provide service for recreational vessels throughout Puget Sound. As set forth in Table 8 of Ecology's supplemental information, there are 194 mobile pumpout companies; of these, at least 52 vacuum trucks and two mobile pumpout vessels are available for pumping out larger recreational vessels. Mobile pumpout services are available seven days a week, with extended hours during the busy summer months. These mobile services provide additional pumpout options to address concerns raised regarding location or access issues. Additional information is

provided in EPA's response to comments document.

Based on this information, EPA determines that adequate pumpout facilities for the safe and sanitary removal and treatment of sewage for recreational vessels are reasonably available for the waters of Puget Sound.

Puget Sound is also used by many different sizes and types of commercial vessels. The State used a study conducted by the Puget Sound Maritime Air Forum (Starcrest, 2007) to develop a reasonable estimate of commercial vessel use of Puget Sound. The study concluded that there were 2,937 entries of large oceangoing vessels into Puget Sound in 2005, and an estimated 678 other commercial vessels that operate mostly within Puget Sound (e.g., escort tugs) or have Puget Sound as their home port (e.g., the fleet of fishing vessels that travels to Alaska each year). According to the State, current commercial vessel statistics are estimated to be similar to the data from 2005. Based on information provided by a commenter, updated information in 2013 may raise this number to 709. As discussed below, this difference of 31 vessels does not make a measurable difference in terms of EPA's conclusions regarding the ratio of commercial vessels to available pumpout facilities.

The large, oceangoing transient commercial vessels that are only in Puget Sound for a short period of time (e.g., large cruise ships, freighters and tankers) have large enough holding tanks to hold their waste during the time they are in Puget Sound, with some exceptions. Although included in the initial overall vessel estimate, these vessels do not have a need to pumpout and were not included when assessing the adequacy of pumpout facilities. Washington State Ferries (WSDOT ferries) and U.S. military vessels have holding tanks and use large-scale, dedicated pumpout facilities where they are moored. Smaller commercial vessels, such as ferries, tugboats, excursion vessels, and fishing vessels with installed toilets can use the stationary pumpouts, mobile pumpout service vessels, some of the recreational pumpouts, or shore-based pumper trucks, described in more detail below.

The State identified eight stationary pumpouts dedicated to WSDOT ferries, three dedicated to U.S. Navy vessels, one dedicated to the Victoria Clipper vessels and one for the McNeil Island Department of Corrections vessels. The Port of Bellingham cruise terminal area also has three stationary pumpouts, one of which is used for Alaska Marine Highway vessels and two other pumpouts that can serve other

commercial vessels. Although not included in this analysis, EPA notes that two more commercial pumpouts are being installed, one in Seattle for all commercial vessels and another at the Port of Bellingham mostly for fishing vessels. Estimated dates for completion are March and September 2017, respectively.

The State's supplemental information identified five companies that specialize in commercial marine work and that are capable of removing sewage from commercial vessel holding tanks. These five companies have a combined total of approximately 52 trucks (capacity ranging from 2,200–7,000 gallons each) and two mobile barges (capacity of 3,000 gallons each). These companies serve all of Puget Sound and can provide pumpout services at a variety of docks and ports for all types of commercial vessels, including tugs, fishing vessels, USCG vessels, smaller cruise ships, tankers, and other vessels. EPA contacted four of the commercial marine work companies identified in Ecology's supplemental information document and confirmed that the information provided was accurate.

The State's petition and supplemental information also identified 21–23 mobile pumpout vessels. These mobile pumpouts primarily service recreational boats, but several have serviced commercial vessels such as charter boats, fishing vessels, U.S. Coast Guard vessels, and passenger vessels. The mobile pumpout boats have a capacity between 40 and 450 gallons and cover vast areas geographically as they are able to move to vessels, although some stay within their own marina or harbor area. In addition to the pumpouts described above, there are approximately 140 licensed or certified pumper truck companies in Puget Sound that primarily pump out septic tanks, but that can also pump out vessel sewage. The number of trucks in each company ranges from 1–13, and approximately half of these companies contacted by the State are currently, or are willing to, pump out commercial vessel sewage.

The State indicates that the number of commercial vessels that are likely to be in regular need of pumpout facilities within a no-discharge zone would include the non-ocean going vessels that include tugboats, commercial fishing vessels, small passenger vessels, NOAA research and survey vessels, WSDOT Ferries, military and other government vessels, excursion and other commercial vessels. Given that the WSDOT Ferries, military vessels, and Victoria Clipper vessels all have dedicated stationary pumpouts, they have been removed

from the count and EPA has not included their 14 dedicated pumpout facilities in the analysis below. Using the starting number of 678 from the 2005 Starcrest survey, this leaves an approximate 600 vessels that would be in need of other pumpout facilities. Using the starting number of 709 from the 2013 Starcrest survey would leave 631 vessels in need of pumpout facilities.

With the two stationary commercial pumpouts, at least 52 Sound-wide commercial pumper trucks, and the two Sound-wide mobile commercial pumpout barges described above, this amounts to at least 56 pumpouts available for commercial vessels which results in an approximate ratio of 11:1, using either the 600 or 631 vessel estimates cited above. In addition to this ratio, EPA has considered the fact that these mobile pumpouts provide service throughout Puget Sound, provide sufficient capacity for commercial vessels, and generally do not experience dock access issues. Moreover, these pumpout services can be scheduled by appointment to accommodate vessel needs and itineraries, and are sufficiently diversified such that they do not experience seasonal fluctuations. Given the widespread availability and flexibility of these services and the overall ratio of 11:1, EPA determines that adequate pumpout facilities for the safe and sanitary removal and treatment of sewage for commercial vessels are reasonably available for the waters of Puget Sound.

EPA further notes that the estimated ratio may be conservative, given that a number of the mobile pumpout boats and pumper trucks described above may also provide commercial pumpout services.

Table of Facilities

A list of pumpout facilities, phone numbers, locations, hours of operation, water depth, and fees is provided at this link to the Washington Department of Ecology Web site: <http://www.ecy.wa.gov/programs/wq/nonpoint/CleanBoating/VesselPumpoutTables.pdf>.

Based on the information above, the EPA hereby makes a final affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of Puget Sound.

Dated: February 13, 2017.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2017-03353 Filed 2-17-17; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, February 23, 2017 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor)

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Draft Advisory Opinion 2016-23:

Socialist Workers Party
Management and Administrative
Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dayna C. Brown, Acting Secretary and Clerk, at (202) 694-1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION:

Judith Ingram, Press Officer, Telephone: (202) 694-1220.

Signed:

Dayna C. Brown,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2017-03456 Filed 2-16-17; 4:15 pm]

BILLING CODE 6715-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the

standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 17, 2017.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Stearns Financial Services, Inc. Employee Stock Ownership Plan*, Saint Cloud, Minnesota; to retain and acquire additional stock and increase its ownership interest up to 23.594 percent of Stearns Financial Services, Inc., Saint Cloud, Minnesota, and thereby indirectly increase its control of Stearns Bank National Association, Saint Cloud, Minnesota; Stearns Bank of Upsala, National Association, Upsala, Minnesota; and Stearns Bank of Holdingford, National Association, Holdingford, Minnesota.

Board of Governors of the Federal Reserve System, February 14, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017-03257 Filed 2-17-17; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in §225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Charlie:

I heard from Senator Benton tonight. This was his reply to my inquiry:

Hi Cliff,

The answer is yes. ALL rules not yet published have been either pulled back or the publishing date has been extended 60 days. Broad brush strokes until we get a handle on the content of all of them. I expect my team will have them all reviewed in a week or two.

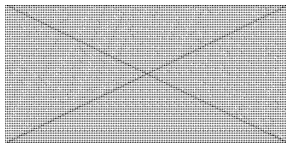
Also, Please use my official email for all official correspondence. I cannot and do not conduct official business on my personal computer.

Great to hear from you,

Don

Senator Don Benton

Senior White House Advisor-EPA



Clifford A. Webster

206-607-4162 Seattle | 360-357-6500 Olympia

Personal Phone/Ex. 6 Mobile

[Bio](#) | [vCard](#) | [Address](#) | [Website](#)

cwebster@carneylaw.com

This e-mail contains confidential, privileged information intended only for the addressee. Do not read, copy, or disseminate it unless you are the addressee. If you are not the addressee, please permanently delete it without printing and call me immediately at (206) 622-8020.

From: Charlie Costanzo [mailto:CCostanzo@americanwaterways.com]
Sent: Thursday, January 26, 2017 9:13 PM
To: Webster, Cliff <cwebster@carneylaw.com>
Subject: Puget Sound NDZ

Let me know when you hear from Sens. Benton/Ericksen. We are eagerly anticipating feedback on that issue.

- Charlie

Charles P. Costanzo

Vice President – Pacific Region

The American Waterways Operators ■

5315 22nd Ave. NW

Seattle, WA 98107

www.americanwaterways.com

(206) 257-4723 (Office)

Personal Phone/Ex. 6 (Mobile)

(866) 954-8481 (Fax)

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Benton, Donald
Sent: Sat 2/18/2017 7:44:25 PM
Subject: FW: Memo for Administrator Pruitt re: EPA Actions

fyi

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Dan Wood [mailto:dan@wastatedairy.com]
Sent: Friday, February 17, 2017 4:28 PM
To: Benton, Donald <benton.donald@epa.gov>
Cc: Dan Wood <dan@wastatedairy.com>
Subject: FW: Memo for Administrator Pruitt re: EPA Actions

Congratulations on the Senate confirmation of the appointment of Scott Pruitt as EPA Administrator.

I am re-sending the email summarizing the issues we discussed that should be in front of the Administrator.

We have cause to be in Washington, D.C. next week and would be glad to bring an affected dairy farmer, the researcher who compiled the timeline from the FOIA records on the illegal

“What’s Upstream” campaign, and someone who sits on the Groundwater Management Area in the Yakima Valley.

These are all timely issues that merit attention and resolution, and present an opportunity for the EPA and new Administration to demonstrate a balanced commitment to both environmental concerns and a positive business climate.

We can have people on a plane with a couple days’ notice; the group is ready to come to speak with you and the Administrator.

Thanks,

Dan Wood

Executive Director

Washington State Dairy Federation

PO Box 1768 Elma, WA 98541

Dan@wastatedairy.com

Personal Phone/Ex. 6

It’s OK to call any time – early, late, weekends are OK. Really.

From: Dan Wood

Sent: Tuesday, February 14, 2017 9:39 AM

To: Benton.Donald@EPA.gov

Cc: Dan Wood <dan@wastatedairy.com>

Subject: Memo for Administrator Pruitt re: EPA Actions

Scott Pruitt, Administrator

Environmental Protection Agency

Via email to Benton.Donald@EPA.gov

C: Don Benton,

Senior White House Advisor

Via email to Benton.Donald@EPA.gov

February 13, 2017

Dear Administrator Pruitt:

There are several areas of accountability and questionable agency actions that merit your immediate attention as EPA Administrator. Some actions have already gained the attention of Congressional investigators, and been subjects of complaints to the Office of Inspector General and the Washington State Public Disclosure Commission.

We request an appointment to present documentation of each of the following matters and to request specific actions by the EPA.

1. Ensure the investigation of the “What’s Upstream” campaign is completed.

In 2015 the Government Accountability Office determined that EPA officials in Washington, D.C. had broken federal law by using social media to promote the Waters of the US Rule.

Subsequently, the Region 10 Administrator allowed more than \$600,000 of public money to be spent on an overtly political campaign filled with false statements aimed at passing laws harmful to farmers. These illegal campaign expenditures were allowed, despite staff objections and actions subordinate staff had taken to halt the illegal campaign. The Regional Administrator further communicated false information to Congress about this campaign and EPA's role in it.

Public documents and extensive reporting by *The Capital Press* (a Northwest agricultural newspaper) raise questions about the degree to which then-Administrator Gina McCarthy had been aware and possibly directed the activities. Documents show the illegal campaign had been halted, then re-authorized after a visit from Administrator McCarthy.

To ensure that officials are held accountable, the Office of Inspector General needs to complete the investigation of the "What's Upstream" campaign and EPA funding of it, as was requested by Congressional leaders. Enforcement action must wait until the Office of Inspector General completes the investigation, and we are asking that you help ensure this investigation is done thoroughly, promptly and fairly and that the results are made public.

The EPA has not completely responded to FOIA records requests in this matter. Full disclosure of requested public records is paramount to accountability, as is cooperation with Congressional investigators and the Office of Inspector General.

Representative Dan Newhouse and Senator Pat Roberts are key Congressional contacts in this matter.

Resources:

1. We would be glad to bring to Washington, D.C. the executive director of Save Family Farming, who has filed the FOIA request and compiled the timeline and key actions in this matter.

2. We can provide reports and timelines from the investigative report by *The Capital Press*.

3. We can provide a summary of the filings and status of investigation by the Washington State Public Disclosure Commission

2. Review the science and behavior of EPA Region 10 staff with regard to the September 2012 Report EPA-910-R-12-003.

This report was roundly criticized by credentialed PhDs and professionals from research universities, NRCS, and state and local conservation agencies. Initially, EPA Region 10 posted those comments on their Web site. Subsequently, EPA Region 10 has removed the critical content from the Web site, making it no longer available for public view.

This extensively-criticized report led to an Administrative Order on Consent after EPA said the subject dairies could take EPA to the Ninth Circuit Court of Appeals if they wanted to challenge the report. The report was subsequently used as “evidence” in a federal lawsuit that resulted in an unprecedented ruling that held that fertilizing a field with natural livestock manure equates to an illegal dumping of hazardous waste under the Resource Conservation and Recovery Act (RCRA).

After the farm agreed to the Administrative Order on Consent, complied with the provisions of the order, and invested millions of dollars into technology and conservation, EPA refused to issue a statement as to the good works and compliance of the farm.

Participants and eye-witnesses to the conversations with the Region 10 Administrator can attest to the threats and discussions of involving the Ninth Circuit Court.

Unless there has been an illegal permanent destruction of public records, the scientific criticism of **EPA-910-R-12-003** should be archived at EPA Region 10. That information should be restored to public viewing on the Web site.

Resources:

1. We would be glad to have one of the subject farmers come to Washington, D.C. to visit with you regarding the impact of these Region 10 actions. The multi-generational farm is struggling to survive because of the costs of the order and subsequent lawsuit.

2. Archives should provide the critical reviews of report **EPA-910-R-12-003**; if the critical evaluations are not found in EPA Region 10 archives, we can go back to original sources to re-located those evaluations.

3. Carefully review the best available science on the important issue of nitrates in drinking water, its health effects, and historic causes in the Yakima Valley.

The Lower Yakima Valley has had high groundwater nitrates for more than 100 years, predating much of the dairy farming in the area.

Despite that documented history, EPA Region 10 has focused on dairies, assuming their responsibility for this historic problem. The actions of the EPA have fanned public criticism, nuisance complaints and lawsuits against dairies.

Nitrates in groundwater is the driving issue in the litigation and enforcement action against farmers. Yet, the EPA refuses to recognize that nitrates above the EPA standard have been present in drinking water in virtually all farming areas since water testing began.

Prior to 2008, the EPA, following the data, focused on on-site septic systems as a primary source of water contamination. Since then, the focus has shifted inappropriately to agriculture. Use of best science to evaluate actual causes should be used to prioritize efforts rather than following the lead of environmental activists seeking new targets for fundraising.

Area dairy farmers, along with other agriculture, local government, state and federal agencies, and others are participating in a **Groundwater Management Area** to research and address sources of groundwater nitrates.

EPA should work more cooperatively and with an objective approach to the Groundwater Management Area.

Resources:

1. We would be glad to bring to Washington, D.C. an agricultural representative to the Groundwater Management Area. He can discuss the history and current projects, as well as where EPA can engage more cooperatively.
2. We would be glad to provide recent reviews and focus of the Groundwater Management Area

We look forward to a face-to-face discussion with you and to be a resource to help with understanding and positive changes in these matters involving the EPA.

Dan Wood

Executive Director

Washington State Dairy Federation

PO Box 1768 Elma, WA 98541

Dan@wastatedairy.com

Personal Phone/Ex. 6

It's OK to call any time – early, late, weekends are OK. Really.

To: Ericksen, Doug[ericksen.doug@epa.gov]
From: Grantham, Nancy
Sent: Mon 3/13/2017 8:19:14 PM
Subject: RE: chesapeake bay -- attached contact

Nicholas A. DiPasquale, Director

Chesapeake Bay Program Office

[REDACTED]

[REDACTED]

[REDACTED]

Cell: Personal Phone/Ex. 6

E-mail: dipasquale.nicholas@epa.gov

Web: <http://www.chesapeakebay.net>

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Personal Phone/Ex. 6 **(mobile)**

From: Ericksen, Doug
Sent: Monday, March 13, 2017 3:03 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: chesapeake bay

Nancy,

Do you have the name and contact of the lead up at the Chesapeake Bay EPA office.

I, of course, left that file my other bag.

Doug Ericksen

From: Benton, Donald
Sent: Monday, March 6, 2017 5:50 PM
To: Ericksen, Doug <ericksen.doug@epa.gov>
Subject: FW: chesapeake bay

We need to make this fabulous!!!!

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Hale, Michelle
Sent: Monday, March 6, 2017 12:52 PM

To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: chesapeake bay

Tentatively I am holding Thursday, March 23.

From: Benton, Donald
Sent: Monday, March 6, 2017 12:50 PM
To: Hale, Michelle <hale.michelle@epa.gov>
Subject: RE: chesapeake bay

Approx 1 hour each way for travel. What day are we looking at?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Hale, Michelle
Sent: Monday, March 6, 2017 10:22 AM
To: Benton, Donald <benton.donald@epa.gov>
Subject: chesapeake bay

Don, how much travel time will need to be blocked for the Chesapeake Bay events?

Michelle Hale

Executive Assistant to the Administrator

Environmental Protection Agency

1200 Pennsylvania Ave., NW,

WJCS, Suite 3000

Washington, D.C. 20460

(202) 564-1430

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To: Dolph, Becky[Dolph.Becky@epa.gov]
From: Ericksen, Doug
Sent: Mon 3/13/2017 6:31:42 PM
Subject: RE: For your awareness -- FOIA production of documents pertaining to your compensation

Becky,

Thanks for sharing this information with me.

Let me know if there is anything else I can provide to you.

Doug Ericksen

From: Dolph, Becky
Sent: Thursday, March 9, 2017 12:20 PM
To: Ericksen, Doug <ericksen.doug@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: For your awareness -- FOIA production of documents pertaining to your compensation

Mr. Ericksen: For your awareness, we have four 4 FOIAs requesting documents about your EPA compensation. OCFO has gathered and redacted your Leave and Earning Reports (LERs) and has determined that there are no travel vouchers for you. Tomorrow we plan to respond to the four requests by producing the attached redacted LERs, just as we would for any EPA employee for whom this information was requested. Documents responsive to other parts of the below requests will be produced separately.

The four FOIA requests are as follows:

FOIA #	Requester	Org.	Submitted	Synopsis
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EPA-HQ 2017- 003776	Sandy Robson	ProPublica	02/09/2017	I request any and all compensation/salary information from the Environmental Protection Agency for recently hired/appointed Doug Ericksen (who is also currently serving as a Washington state senator), relating to his position with the Environmental Protection Agency.
EPA-HQ 2017- 003885	Rob Davis	The Oregonian	02/13/2017	Any ethics opinions governing the work of Douglas Ericksen, an employee on the transition team. Any SF-278 submitted by Douglas Ericksen, an employee on the transition team. Any pay stubs since 1/20/2017 for salary or expenses paid to Douglas Ericksen, an employee on the transition team.
EPA-HQ 2017- 003887	Anthony V. Schick	Oregon Public Broadcasting	02/13/2017	Any records since January 20, 2017, concerning compensation to Doug Ericksen, Washington state senator and member of the Trump administration transition team, for any work done for the U.S. Environmental Protection Agency.
EPA-HQ 2017- 003928	Brian Estes		02/14/2017	the following information on Doug Ericksen who was appointed communications director for the EPA during the presidential transition sometime shortly after January 20, 2017. (see attached article). Mr. Ericksen also currently serves as a Washington state State Senator from Western Washington, Legislative District 42. Specifically, I am requesting: (1) Total compensation or salary for Doug Ericksen paid to date, as applicable, including any bonuses or other non-salary compensation. (2) A position description or human resources/personnel document detailing the job responsibilities and duties associated with the communication director position. (3) Records documenting other payments or reimbursements including total travel expenses paid to Doug Ericksen. (4) Any documentation on the expected duration of employment for Doug Ericksen at the EPA.

By way of background, my office, the FOIA Expert Assistance Team (FEAT), located in the Office of General Counsel, manages the responses to the Agency's most complex and/or

voluminous FOIA requests. The over 300 requests the Agency has received related to the change of administration are being overseen by my office.

If you have any questions on this production or about the FEAT in general, please give me a call.

Thanks,

Becky

Becky Dolph | Director, FOIA Expert Assistance Team Office

U.S Environmental Protection Agency

Office of General Counsel | 7309B WJCN | 202-564-5771

To: Cox, Michael[Cox.Michael@epa.gov]
From: Ericksen, Doug
Sent: Mon 3/13/2017 6:11:05 PM
Subject: RE: Low EPA Staff Morale and Suggestions for Improving

Michael,

Thank you for the email and sharing the views of I am sure many EPA career professionals.

I will make sure that the message is passed along to the Administrator's office.

I know that Administrator Pruitt has brought up the idea of traveling to the regions at some point in the near future.

All the best.

Doug Ericksen

From: Cox, Michael
Sent: Monday, March 13, 2017 10:19 AM
To: Benton, Donald <benton.donald@epa.gov>; Ericksen, Doug <ericksen.doug@epa.gov>
Cc: Cox, Michael <Cox.Michael@epa.gov>
Subject: Low EPA Staff Morale and Suggestions for Improving

I am following up with my second friendly observations and suggestions for Administrator Pruitt. This note is focused on the morale of EPA staff. I have worked for close to 30 years at EPA and the morale of EPA staff is the lowest I have ever seen. I will discuss why I think this is the case and then provide a few suggestions for Administrator Pruitt.

First, I think it is important to state that the reason I am writing this note is to help Administrator Pruitt be successful. I and many staff understand that “elections have consequences” and we anticipate changes. Second, many of us feel strongly about fulfilling our mission of protecting human health and the environment for the people who pay our salaries, the American people. We have worked very hard over many years to accomplish this and want to work with Administrator Pruitt to continue to do what we believe Congress and the American people have entrusted us to do – ensure the air their children breath is safe; the land they live, play, and hunt on to be free of toxic chemicals; and the water they drink, the lakes they swim in, and the rivers they fish in to be clean. Many of my observations are blunt and unvarnished, but I think it is important for Administrator Pruitt to understand what many EPA staff are feeling.

Reasons for Low Morale

Budget Cuts: While staff understand that the OMB pass back is just the first step in a long budget process, the initial budget cuts proposed were quite substantial and sends a message to EPA staff about how this Administration views EPA and by extension its staff. While we have had budget cuts in the past, these cuts are particularly severe. Staff understand that Administrator Pruitt probably did not have much to do with these initial budget cuts (although we assume some of the transition team probably did), but you can imagine how unsettling this can be, especially for newer staff.

Working with States and Tribes: In the Regions, we work very closely with the states and Tribes. When we hear Administrator Pruitt talking about “cooperative Federalism” it implies that this is some new concept and that we are not currently working with our states and tribes. This is contrary to my experience and many others in the Region. It leaves the impression that he does not understand how closely we work with our states and Tribes now. Also, I have not heard him talk specifically about working with tribes, which for us in the Northwest this is a high priority and one we take very seriously.

Process/Rulemaking: Administrator Pruitt has talked about paying attention to process and rule-making. He is right. However, his remarks that EPA has not been paying attention to process or rule-making is not consistent with the experience of the many EPA staff in Region 10, myself included. I can provide you with dozens of examples in Region 10 where we have participated in extensive public engagement with states, Tribes, communities, and industry.

Climate Change: The comments by Administrator Pruitt on CNBC about carbon dioxide not being a primary contributor to climate change was surprising and not well received by EPA staff. There are many legitimate questions about climate change and its impacts that scientists are working to better understand. But to deny that carbon dioxide is a primary contributor to global warming is not supported by the science. Administrator Pruitt will continue to undermine his credibility with EPA staff if he continues to question this basic science.

Chief of Staff: EPA staff were equally surprised when it was announced that the new EPA Chief of Staff was the Chief of Staff for Senator Inhofe who is one of the most vocal critics of EPA. This sends an unmistakable and disturbing message to EPA staff.

Ideas to Improve Morale

Staff Appreciation: Many people, like me, have worked with EPA for many years and believe passionately in our mission to protect human health and the environment. The majority of staff work very hard. Administrator Pruitt needs to show leadership and acknowledge the dedicated work of EPA staff to fulfill its mission. So far, we have heard mostly negative comments about EPA from Administrator Pruitt and the threat, real or perceived, to dismantle EPA.

Budget Cuts: Administrator Pruitt needs to communicate his budget priorities to EPA staff. We understand that budget cuts will happen, but hope Administrator Pruitt will be a vocal advocate for EPA. We are concerned that the fundamental work we do, with our partners, will not be accomplished with the severe budget cuts.

Listen/Learn: Administrator Pruitt indicated he wants to listen to EPA staff and learn. I would suggest he start by visiting EPA Regions and Labs. Substantial work occurs in the Regions and Labs and I think staff would welcome his visit. While there may be pointed questions by EPA staff, I think a leader needs to confront these issues head on with his staff.

Thank you for the opportunity to express my opinions.

Michael Cox

Office of Environmental Assessment

US EPA Region 10, 1200 Sixth Avenue, Suite 900

Seattle, WA 98101

206-553-1597

cox.michael@epa.gov

From: Benton, Donald

Sent: Monday, February 27, 2017 7:51 AM

To: Cox, Michael

Subject: RE: Presentation by Administrator Pruitt: Friendly suggestions for next presentation

Thank you Michael, I will be sure Mr. Pruitt or his COS have your suggestions.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Cox, Michael

Sent: Friday, February 24, 2017 3:17 PM

To: Ericksen, Doug <ericksen.doug@epa.gov>; Benton, Donald <benton.donald@epa.gov>; Schnare, David <schnare.david@epa.gov>

Cc: Cox, Michael <Cox.Michael@epa.gov>

Subject: Presentation by Administrator Pruitt: Friendly suggestions for next presentation

I wanted to pass along some friendly suggestions from a fellow Pacific Northwesterner.

I started working for EPA in 1987 (I actually worked with Dave on the Lead/Copper Drinking Water Rule. He may not remember me) and have heard several new Administrators first speeches.

I thought Administrator Pruitt's presentation was good especially when he discussed the importance of listening and learning.

I understand this was his introduction to EPA staff and it was short, but I had a few suggestions for future speeches to EPA employees.

1. **Science:** I did not hear much about science. For many of us at EPA, using the best science is the backbone of the work we do. Suggest emphasizing the use of science.
2. **Tribes:** Did not hear anything about Tribes. They are a critical partner and as you know we have specific treaty obligations towards tribes. Suggest including tribes as partners along with states and others.
3. **Human Health:** As you know our mission is to protect human health and the environment. I heard a lot about the environment but not much, if anything, about human health. Suggest emphasizing both.
4. **Questions:** I understand the intent of the first speech was to introduce himself, but in the future I would suggest taking questions. While I understand this can be challenging, I think to gain credibility it is important. A past Administrator came to Seattle and her staff told us very clearly that we could not ask questions. We could submit written questions but not ask directly. I think it sends a very bad message to staff if the leader of the organization is not willing to

answer questions.

5. **Quote:** The quote Administrator Pruitt provided from John Muir was good. However, subsequent to that, some people went and found the whole quote, which conveys a different meaning read in whole than I think Administrator Pruitt wanted to convey.

Anyway. Good luck.

Michael Cox

Office of Environmental Assessment

US EPA Region 10, 1200 Sixth Avenue, Suite 900

Seattle, WA 98101

206-553-1597

cox.michael@epa.gov

To: Robin Bravender[rbravender@eenews.net]
From: Ericksen, Doug
Sent: Mon 2/13/2017 6:07:38 PM
Subject: Re: Region 10 administrator?

Sorry I did not make deadline. Still want to talk

Ericksen

Sent from my iPhone

On Feb 13, 2017, at 9:59 AM, Robin Bravender <rbravender@eenews.net> wrote:

Hi Doug,

I wanted to follow up with you on this story that you're interested in the Region 10 administrator job. Can you confirm that you're interested in that job? Have you been offered the post?

My deadline is noon today. Apologies for the short notice. Feel free to give me a call at 202-446-0410.

Best,

Robin Bravender

E&E News Enterprise Reporter

rbravender@eenews.net

202-446-0410 (desk)

(b) (6) (mobile)

@rbravender

E&E NEWS

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To: Champlain, Susan W[susan.w.champlain@boeing.com]
From: Ericksen, Doug
Sent: Mon 2/13/2017 4:52:39 PM
Subject: Re: Introduction and Boeing Meeting Request

Got ya. I will set it up

Sent from my iPhone

On Feb 13, 2017, at 11:52 AM, Champlain, Susan W <susan.w.champlain@boeing.com> wrote:

No, I'm in Seattle/Olympia. Pete is in DC. He's a good guy.

From: Ericksen, Doug [<mailto:ericksen.doug@epa.gov>]
Sent: Monday, February 13, 2017 8:51 AM
To: Champlain, Susan W <susan.w.champlain@boeing.com>
Subject: Re: Introduction and Boeing Meeting Request

U in dc

Sent from my iPhone

On Feb 13, 2017, at 11:42 AM, Champlain, Susan W <susan.w.champlain@boeing.com> wrote:

Doug,

We'd love to sit down with you at your convenience. Hope you're enjoying your new role!

Susan

From: Pagano, Peter A
Sent: Monday, February 13, 2017 7:02 AM
To: Ericksen.doug@Epa.gov

Cc: Champlain, Susan W <susan.w.champlain@boeing.com>

Subject: Introduction and Boeing Meeting Request

Dear Doug,

My name is Peter Pagano and I represent Boeing in their Washington DC government affairs office with a focus on federal environmental regulatory issues. I expect you are still getting settled into your new role at EPA but would like to request a meeting with you to introduce myself when it's convenient for your schedule. The purpose of the meeting would also be to flag a few issues that are important to the Boeing Company including those that have direct impacts to our operations in the State of Washington. We would like to make you aware of these issues so as the leadership positions are filled at the Agency we will be able to connect with the new officials at an appropriate time. I am available to meet with you in Washington DC or my colleague Susan Champlain (who you know well thru your state government service) can meet with you in Washington State. (FYI – I am a former EPA employee and worked in the Congressional Affairs Office for several years during the George W. Bush Administration...I left the Agency in 2006.)

We look forward to the opportunity to speak with you soon.

All the best,

Peter A. Pagano

Director, Environment

The Boeing Company

703-414-6486

Email: peter.a.pagano@boeing.com

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Ericksen, Doug
Sent: Mon 3/13/2017 7:02:58 PM
Subject: FW: chesapeake bay

Nancy,

Do you have the name and contact of the lead up at the Chesapeake Bay EPA office.

I, of course, left that file my other bag.

Doug Ericksen

From: Benton, Donald
Sent: Monday, March 6, 2017 5:50 PM
To: Ericksen, Doug <ericksen.doug@epa.gov>
Subject: FW: chesapeake bay

We need to make this fabulous!!!!

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Hale, Michelle
Sent: Monday, March 6, 2017 12:52 PM
To: Benton, Donald <benton.donald@epa.gov>
Subject: RE: chesapeake bay

Tentatively I am holding Thursday, March 23.

From: Benton, Donald
Sent: Monday, March 6, 2017 12:50 PM
To: Hale, Michelle <hale.michelle@epa.gov>
Subject: RE: chesapeake bay

Approx 1 hour each way for travel. What day are we looking at?

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



From: Hale, Michelle
Sent: Monday, March 6, 2017 10:22 AM
To: Benton, Donald <benton.donald@epa.gov>
Subject: chesapeake bay

Don, how much travel time will need to be blocked for the Chesapeake Bay events?

Michelle Hale

Executive Assistant to the Administrator

Environmental Protection Agency

1200 Pennsylvania Ave., NW,

WJCS, Suite 3000

Washington, D.C. 20460

(202) 564-1430

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To: Munoz, Charles[munoz.charles@epa.gov]
From: Ericksen, Doug
Sent: Fri 2/17/2017 2:46:44 PM
Subject: rec letter 10.docx
[rec letter 10.docx](#)

Here is the Region 10 EPA draft

ericksen

Doug Ericksen—EPA Transition Team Communication Lead

Recommendation for Region 10 EPA Administrator

Deliberative Process Privilege/Ex. 5

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Ericksen, Doug
Sent: Sat 2/11/2017 5:27:23 PM
Subject: Re: A new query about Doug E.

Thank you for the heads up. I will handle. We can talk about it in person.
Ericksen

Sent from my iPhone

On Feb 11, 2017, at 12:09 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Hi doug –

Presume you are aware of this and talking with this person? Let us know if you need us to do anything here. thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

(b) (6)

(mobile)

From: Holsman, Marianne
Sent: Thursday, February 09, 2017 5:57 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>
Subject: A new query about Doug E.

And, another:

Justin Stercula? (garbled last name), The Planet, Western Washington University newspaper in Bellingham, WA (in Sen. Doug Ericksen's legislative district). Doing a profile on Senator Ericksen and his role at EPA on the Trump transition team. Phone: (b) (6) no email provided.

Came in today, no deadline specified. I will be out of the office tomorrow and won't be able to enter this in inquiry tracker.

Let me know how you want to handle.

Thanks.

Marianne

Follow us!

[<image001.png>](#) [<image002.png>](#) [<image003.png>](#) [<image004.png>](#) [<image005.png>](#) [<image006.png>](#)

From: Grantham, Nancy

Sent: Thursday, February 09, 2017 2:31 PM

To: Holsman, Marianne <Holsman.Marianne@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>

Subject: RE: Another reporter query on Alaska Forum Conference

Perfect thanks

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

(b) (6) (mobile)

From: Holsman, Marianne

Sent: Thursday, February 09, 2017 5:30 PM

To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Valentine, Julia <Valentine.Julia@epa.gov>

Subject: Another reporter query on Alaska Forum Conference

I have another one. Oddly from the same public radio network:

Rachel Waldholz, rwaldholz@alaskapublic.org, (b) (6)

She wants to confirm EPA attendees at the conference and info. on the Indian General Assistance Program.

I could send the statement and then this link:

<https://www.epa.gov/tribal/region-10-tribal-program>

Let me know what you think, or if you want me to refer to you.

Marianne

Follow us!

[!\[\]\(870f5d5e9c0d57485634be3ecf52f3ca_img.jpg\)](#) [!\[\]\(66b14d8ba452f6f18b47935355b6120a_img.jpg\)](#) [!\[\]\(bcb9bfd69e5b89da3d817cb72bfcfd1e_img.jpg\)](#) [!\[\]\(0eb6abbd70294475dc7cb6513507500d_img.jpg\)](#) [!\[\]\(950a63716dc9b13d42fd48df07c70375_img.jpg\)](#) [!\[\]\(ef650f26026c861fb5f5dfaa0fb82d01_img.jpg\)](#)

From: Grantham, Nancy

Sent: Thursday, February 09, 2017 2:05 PM

To: Valentine, Julia <Valentine.Julia@epa.gov>

Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>

Subject: FW: Here is the statement from Doug -- will you get this to the reporter? thanks
ng

Importance: High

We can use doug's statement below (one we used prior) for the Alaska Mediia Inquiry.

Thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

(b) (6)

(mobile)

From: Grantham, Nancy

Sent: Tuesday, February 07, 2017 3:12 PM

To: Holsman, Marianne <Holsman.Marianne@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>

Subject: Here is the statement from Doug -- will you get this to the reporter? thanks ng

Importance: High

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

(b) (6)

(mobile)

Statement from Doug Ericksen, Communications Lead for the EPA Transition Team

“Since January 20th we have been reviewing the office expenditures. Last week during our review of expenditures we found that the EPA travel costs were \$44 million in 2016. We

also found out that in the last year alone there have been at least 25 outside conferences attended by EPA employees that have cost the American taxpayers at least \$100,000 per conference. In the case of the Alaska Forum, there were 34 EPA employees scheduled to attend. The acting Administrator when notified of this agreed it was wise to reduce the size of the EPA contingent to 17. This is one small example of how EPA will be working cooperatively with our staff and our outside partners to be better stewards of the American people's money."

To: Anderson, Denise[anderson.denise@epa.gov]
From: Ericksen, Doug
Sent: Thur 2/9/2017 10:46:12 PM
Subject: Re: swearing in ceremony

Personal Matters/Ex. 6

Sent from my iPhone

On Feb 9, 2017, at 12:49 PM, Anderson, Denise <anderson.denise@epa.gov> wrote:

Need birth date

Denise L. Anderson

Executive Assistant to the Acting Deputy Administrator

Office of the Administrator

Desk: 202-564-1782

Cell: (b) (6)

anderson.denise@epa.gov

From: Ericksen, Doug
Sent: Thursday, February 09, 2017 3:42 PM
To: Anderson, Denise <anderson.denise@epa.gov>
Subject: Re: swearing in ceremony

Personal Matters/Ex. 6

Sent from my iPhone

On Feb 9, 2017, at 12:23 PM, Anderson, Denise <anderson.denise@epa.gov> wrote:

Please send me your vitals asap. Thanks

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anderson.denise@epa.gov

From: Benton, Donald

Sent: Thursday, February 09, 2017 2:47 PM

To: Anderson, Denise <anderson.denise@epa.gov>

Subject: FW: swearing in ceremony

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711

<image001.gif>

To: Anderson, Denise[anderson.denise@epa.gov]
From: Ericksen, Doug
Sent: Thur 2/9/2017 8:41:43 PM
Subject: Re: swearing in ceremony

Personal Matters/Ex. 6

Sent from my iPhone

On Feb 9, 2017, at 12:23 PM, Anderson, Denise <anderson.denise@epa.gov> wrote:

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Office of the Administrator

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<image001.gif>

To: Kreutzer, David[kreutzer.david@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]
From: Ericksen, Doug
Sent: Wed 2/8/2017 1:34:26 PM
Subject: Re: EPA Daily News Briefing for Wednesday, February 8, 2017

Team. I agree with David that we need address this

The problem is there are many news outlets that bash conservative views and very few that are fair.

John, let's talk about this morning.

Ericksen

Sent from my iPhone

On Feb 8, 2017, at 4:09 AM, Kreutzer, David <kreutzer.david@epa.gov> wrote:

How fast can we end/replace this clip service? It seems designed to embarrass Pruitt and push the liberal agenda.

Sent from my iPhone

Begin forwarded message:

From: "Bulletin Intelligence" <epa@bulletinintelligence.com>
Date: February 8, 2017 at 6:55:44 AM EST
To: epa@BulletinIntelligence.com
Subject: EPA Daily News Briefing for Wednesday, February 8, 2017

Mobile version and searchable archives available at epa.bulletinintelligence.com.

TO: ADMINISTRATOR AND SENIOR EXECUTIVES
DATE: WEDNESDAY, FEBRUARY 8, 2017 7:00 AM EST

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Administrator

Watchdog Groups Files Open Records Lawsuit Against Pruitt.

NPR (2/7, Wertz) reports that the Center for Media and Democracy filed an open records lawsuit against EPA Administrator-designate Scott Pruitt seeking records during his time as Oklahoma's attorney general with fossil fuel companies and the Republican Attorney General's Association. The group also asked a judge "for an injunction preventing the Oklahoma AG's office from destroying any documents related to its records request."

Reuters (2/7, Volcovici) reports that center's director of research, Nick Surgey, said, "We are doing this because these emails should be released so that people can properly vet his record before the Senate votes to confirm him."

Report Says Pruitt Made False Statement While Under Oath To Senate.

The San Francisco Chronicle (2/6) reports that EPA Administrator-designate Scott Pruitt “may have made a false statement under oath to the Senate,” according to a report first filed by Fusion’s Daniel Rivero on Monday. The “underlying facts of Rivero’s article” were then confirmed by Business Insider through an “independent review of publicly available documents from the case.” During his confirmation hearing, Sen. Cory Booker (D-N.J.) asked Pruitt whether his approach to a case against several poultry companies was impacted because he previously “received \$40,000 in donations from those companies and law firms representing them.” At issue is Pruitt’s response, in which he claimed: “I have taken no action to undermine that case. I have done nothing but file briefs in support of the court making a decision.” Contradicting his claim made under oath to the Senate, Rivero and his team “found no evidence that Pruitt or his office had filed any briefs in support of making a decision with the case.”

Additional Reading.

- **Scott Pruitt Would Be A Disaster For Colorado’s Air, Water And Our Families’ Health.** Denver Post. (2/7)

Brownfields/Superfund/Other Cleanups

Additional Reading.

- **Trump Firm Loses Bid To Limit Cleanup Liability For Property.** New York Times. (2/7, Meier)
- **EPA Starts Superfund Soil Testing In Pueblo City Parks.** Pueblo (CO) Chieftain. (2/7)

Climate Change

Republican Statesmen Call For Carbon Tax.

The New York Times (2/7, Schwartz) reports that a group of Republican statesmen are calling for a tax on carbon emissions to fight climate change. The Climate Leadership Council, led by former Secretary of State James A. Baker III, with former Secretary of State George P. Shultz and former secretary of the Treasury Henry M. Paulson, claim a carbon tax is “a conservative climate solution” based on free-market principles. Baker is scheduled to meet on Wednesday with White House officials to propose a simpler carbon tax to replace the Clean Power Plan. The Washington Post (2/7, Mooney, Eilperin) reports the Climate Leadership Council is proposing to eliminate “nearly all of the Obama administration’s climate policies in exchange for a rising carbon tax that starts at \$40 per ton and is returned in the form of a quarterly check from the Social Security Administration to every American. While “the proposal faces long odds” because “many Republicans in Congress are adamantly against a tax increase of any kind,” the Post says “the revenue-neutral ‘carbon fee and dividend’ idea” is popular among economists and some leading climate scientists,” though “Republican statesmen from past administrations” are aligning behind the proposal for the first time. The Wall Street Journal (2/7) details how the carbon tax would work as an alternative to government regulation. The AP (2/7, Lucey, Pace) also reports.

Broad Coalition Backs Carbon Capture Tax Credit. TIME (2/7) reports a coalition of energy firms, green groups and trade unions are backing a proposed measure that “helps fight greenhouse gas emissions by providing a tax credit for capturing and storing carbon dioxide.” Support for the Section 45Q tax credit was detailed in a letter sent last week to members of Congress which said carbon capture and storage “represents an essential component of our nation’s strategy for achieving greenhouse gas emissions reductions,” and is a “genuine win-win for our nation’s economy and environment.”

Industry, Congress Seeing Exiting Paris Deal A Lower Priority.

ClimateWire (2/7) reports that President Trump is being pulled in two directions on the Paris climate agreement: “Bend to ideological opponents of global climate action, or listen to the capitalists who see a financial angle in the small print.” Trump transition staff from conservative think tanks such as the Competitive Enterprise Institute and Heritage Foundation “are keeping up the drumbeat for an early exit,” but individual companies continue to support the deal and trade groups “remain carefully agnostic.” National Mining Association spokesman Luke Popovich said “it is by no means a priority for the U.S. industry, and I’m not sure it’s a top-tier priority for the administration, either.” Senate Republicans aim to re-prioritize the accord, noting that the agreement’s only binding elements relate to reporting and transparency, with Sen. Jim Inhofe saying, “It really is hardly worth even addressing.”

Whistleblower Claims NOAA Manipulating Climate Change Data.

Fox News’ Special Report (2/7) reports John Bates, who recently retired as a lead scientist of the National Climatic Data Center, made the “explosive” accusation to the Daily Mail on Sunday that the National Oceanic and Atmospheric Administration (NOAA) “intentionally manipulated data to hide a 12 -year pause in global warming and that the study was a major influence in the 2015 Paris climate summit where western nations agreed to spend billions to reduce fossil fuel use.” Bates on Tuesday testified before lawmakers on the matter in a hearing entitled “Making the EPA Great Again.” He was shown saying, “We have every reason to be skeptical that our scientific community is maintaining its integrity.”

Energy

Volkswagen Announces Subsidiary To Promote Electric Vehicles.

Bloomberg News (2/7, Beene) reports Volkswagen has created a new subsidiary called Electrify America LLC, which will “manage the \$2 billion it is required to spend over the next decade in support of zero-emissions technology in the U.S.” The company will invest in EV infrastructure, such as charging stations, and operate various means of raising awareness for EVs as part of its parent’s legal settlement with the EPA over emissions violations.

The Wall Street Journal (2/7, Roberts) reports that almost half of the \$2 billion is expected to be spent in California where there are high volumes of electric vehicles. The Journal also notes that the company will install chargers in 15 metro areas, and develop a 200-station cross-country charging network. The company is also expected to experiment with other mobility plans like car-sharing.

Reuters (2/7, Shepardson) reports the company will install more than 500 charging stations across the country, with 300 in those 15 metro areas. Volkswagen’s investment also includes its “Green City” initiative where it will test out other mobility concepts. Mark McNabb chief executive of Electrify America was enthusiastic about the program saying it is “an opportunity to transform an industry. How many times in life do you get that opportunity?” Reuters adds that Volkswagen must submit all plans for regulatory approval from California and the EPA, and notes the company will invest \$500 million every 30 months until it meets its goal.

Additional Reading.

- Op-Ed: EPA’s Change Of Heart On Fracking Is Purely Political, To Appease ‘Greens’.

Environmental Justice

California Regulators, Lawmakers Discuss How To Target State Climate Spending On Disadvantaged Communities.

The Los Angeles Times (2/7, Megerian) reports that lawmakers, regulators, and representatives from advocacy groups met on Monday in Oakland to develop “an updated series of guidelines to send cap-and-trade revenue to low-income neighborhoods,” as required by legislation passed last year. The parties involved discussed challenges to their mission, asking questions like: “How can low-income people benefit if they don’t live in an area that’s predominantly low-income? Do transit lines passing through low-income areas count under the state guidelines?”

International

NYTimes Analysis: Coal Plants May Hamper China’s Climate Pledges.

The New York Times (2/7, Wong) reports that China’s coal plants “undermine” the nation’s “aim of being a global leader on efforts to limit climate change.” Despite such pledges to reduce carbon emissions, “at least four such plants have begun operating in China in the past four years, pushed by local governments and state-owned enterprises in coal-rich regions,” and “dozens more have been under consideration.”

Additional Reading.

- **Macedonian Capital Offers Free Transport To Fight Pollution.** AP. (2/7)
- **The Best And Worst Countries In The World When It Comes To Air Pollution And Electricity Use.** Business Insider. (2/8)

Other News

EPA Official Continues Working As Washington State Senator.

The Washington Post (2/7, Rein, Dennis) reports that Washington State Sen. Doug Erickson, an early supporter of President Trump, has been tapped by the President to run “communications and helping to reshape the Environmental Protection Agency,” but he has remained “a top Republican in the Washington state Senate, which is currently in session 2,808 miles due west in Olympia.” Erickson, “has pretty much been missing in action for the first month of the legislature’s 105- day session,” and his absence “is the linchpin to party control of the state Senate, since Washington state Republicans control the chamber by just one vote.” While his “dual roles are legal, since his EPA appointment helping run the agency’s ‘beachhead’ team is temporary and can last only 120 days,” it “hasn’t stopped Democrats from pouncing.”

Trump’s Top Political Aide To Stay On With EPA Following Transition.

E&E Publishing (2/8) reports that acting EPA Administrator Catherine McCabe announced that Don Benton, President Trump’s top political aide at the agency, will remain on board with the agency following the transition period.

Four Lawmakers Support Bill To Abolish EPA.

The Biloxi (MS) Sun Herald (2/7, Hampton) reports that freshman Rep. Matt Gaetz's bill proposing to "terminate the Environmental Protection Agency" has been co-sponsored by three other lawmakers, including Reps. Steven Palazzo (MS), Thomas Massie (KY), and Barry Loudermilk (GA).

Rules/Regulations/Policy

House Science Committee Holds "Make Environmental Protection Great Again" Hearing.

The Hill (2/7, Cama) reports on the "Make Environmental Protection Great Again" hearing held by a House Science committee intent on passing the "Secrete Science Reform Act," which would require all science used by the EPA to justify regulations be transparent and reproducible. During opening statements, Rep. Lamar Smith (R-Texas), the chairman of the House Science Committee, argued that "over the last eight years, the EPA has pursued a political agenda, not a scientific one." He said that the measures offers "an opportunity to right the ship at EPA and steer the agency in the right direction."

The Washington Post (2/7, Harvey) reports that "other lawmakers took issue with what they perceived to be an assault on the agency's ability to produce sound science-based regulations." The committee's ranking Democrat member, Rep. Eddie Bernice Johnson, said, "I'm disappointed but not really surprised our very first hearing in this Congress will be focused on attacking the EPA."

The Huffington Post (2/6, Kaufman) reports that witnesses speaking before the hearing include "a coal lawyer, a chemical industry lobbyist and a libertarian scholar who recently accused the Environmental Protection Agency of 'regulatory terrorism.'" The witnesses "seem likely to echo" the views of Rep. Smith.

Grist (2/7, Permenter) reports that Democratic Rep. Don Beyer "trolled" Trump supporters by wearing a "Keep the EPA Great" hat to the hearing.

BuzzFeed (2/8, Grandoni) reports that while the call for more transparency "seems benign on its face," those who oppose the bill say it is "simply a pretext for making the job of EPA scientists more difficult." For example, "Much of the research the EPA relies on to craft air and water rules are...health studies that contain personal information on patients and their family members." Disclosing such data used in an asthma study would violate health privacy laws, therefore under the proposed rule such data could be precluded from being used in the EPA's rule-making process.

Silverstein: "Secret Science Reform Act" Aims To Curb EPA's Power. Forbes (2/7) contributor Ken Silverstein discusses the "Secret Science Reform Act" proposed during the hearing. "On the surface," the goal of the bill is to increase transparency and to see how data is being assessed. However, Silverstein says the "true intent is to tie EPA's hands and to prevent it from carrying out its job." EPA's backers say that if implemented, the bill would "actually prevent large scale scientific studies from being used to craft regulation, given that such analyses can't be reproduced" because any attempts to do so would "be an expensive undertaking, or \$250 million over the next few years, says the Congressional Budget Office." Silverstein argues that the bill is an attempt to "curb EPA's powers," and that "allowing Pruitt a chance to kill regs with unquestionable benefits would be the agency's death knell, and probably that of the President of the United States."

EPA Approves Wisconsin Plan To Avoid Phosphorous Compliance With Fees.

The [AP](#) (2/7, Lombardo) reports that the EPA approved a plan proposed by two Republican Wisconsin state lawmakers that will allow corporate polluters to “pay to delay compliance with strict phosphorous pollution standards.” The fees paid by the polluters would be used to fund county projects to reduce runoff. Wisconsin Sen. Robert Cowles “said these investments could be more effective at reducing phosphorous levels than forcing companies to make costly repairs or install water filtration systems.” Cowles also said he wasn’t sure upgrades to pollution-control equipment would make a difference in phosphorous levels. Detractors of the plan say there are already alternatives for companies that are unable to meet the standards, and that this plan only gives them more leniency. The [Chippewa \(WI\) Herald](#) (2/7, Verburg) reports, “some conservation groups have opposed the state plan, saying it lacked teeth to ensure that the fees would result in any significant improvement in water quality.”

Water

US District Judge Continues Dismissing Flint Water Crisis Lawsuits Due To Safe Drinking Water Act Preemption.

In continuing coverage, the [Detroit News](#) (2/7, Chambers) reports US District Judge John Corbett O’Meara issued an opinion and order dismissing two cases filed against Michigan Governor Rick Snyder and other state officials over the Flint water crisis. Judge O’Meara ruled that the suits were preempted by the Safe Water Drinking Act, the same reasoning he used in dismissing two other lawsuits involving the water crisis. [MLive \(MI\)](#) (2/7, Fonger) reports attorneys for one of the two cases “filed a notice of appeal of O’Meara’s decision in their case on Monday, Feb. 6.”

Engineering Company Estimates Upgrading Flint’s Water Plant Will Cost \$108M.

The [AP](#) (2/7) says a report from engineering and construction company CDM Smith estimated that the total cost of upgrading Flint’s water treatment plant will be around \$108 million, which is higher than previous estimates. According to the AP, “The report estimates work on the plant can be completed in 2019-2020. The state Department of Environmental Quality must agree to the final version of the consultant’s report.”

[MLive \(MI\)](#) (2/7, Fonger) also provides coverage.

Additional Reading.

- **New York To Expand Blood-testing Program For PFOS, PFOA.** [Middletown \(NY\) Times Herald-Record](#). (2/7, Sparks)

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<epaNewsBriefing170208.doc>

To: McGonagle, Kevin[mcgonagle.kevin@epa.gov]; So, Katherine[so.katherine@epa.gov]; McCabe, Catherine[McCabe.Catherine@epa.gov]; Reeder, John[Reeder.John@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Hull, George[Hull.George@epa.gov]; Slotkin, Ron[slotkin.ron@epa.gov]; Sowell, Sarah[Sowell.Sarah@epa.gov]; Hart, Daniel[Hart.Daniel@epa.gov]; Orquina, Jessica[Orquina.Jessica@epa.gov]; Actadmmccabe, Catherine17[Actadmmccabe.catherine17@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Schnare, David[schnare.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]
From: Valentine, Julia
Sent: Thur 2/16/2017 5:59:15 PM
Subject: OPA Clips 2/16/17

Hi team,

The Office of Media Relations (part of the office of Public Affairs) combs the web for clips every day (latest is forwarded below). Our fantastic interns, Kat (Katherine) So and Kevin McGonagle send these as they happen, all day long. They are cumulative – each email includes all of the clips that were sent previously that day.

If you are looking for anything in particular, a clip or a number of clips on a certain topic, send us a quick email and we'll make sure it gets to you and the whole group.

Quotes from EPA are highlighted for easy scrolling.

We will also be sending, separately, clips about Mr. Pruitt:

- About confirmation prior to the vote.
- About the confirmation vote
- About his speech and event

Thanks and let us know if you need anything.

Julia P. Valentine

Assoc. Dir./Acting Dir.
U.S. EPA, Ofc of Media Relations

202.564.2663 direct

(b) (6) n/txt

Below: Politico Pro, The Hill, InsideEPA, TechCrunch, The Hill, Gizmodo, Bloomberg BNA (2), Politico Pro, E&E News (2), InsideEPA (2/15)

Politico Pro

<https://www.politicopro.com/energy/whiteboard/2017/02/mccain-to-miss-pruitt-confirmation-vote-083868>

McCain to miss Pruitt confirmation vote

By Austin Wright and Darius Dixon 2/16/17

Sen. [John McCain](#) says he informed Majority Leader [Mitch McConnell](#) that he will not delay his trip to the Munich Security Conference, which means he will miss a vote expected to take place on Friday to confirm Scott Pruitt as EPA administrator.

McConnell had asked senators to stay in Washington for the Friday vote, and McCain said he did not know if his travel plans would affect the vote.

"I don't know. I told them months ago that this conference in Munich is one of the most important gatherings conducted and I told them I was going months ago," McCain said.

Sen. [Lindsey Graham](#), who is also attending the security conference, said the rest of the congressional delegation was planning to delay its departure until Friday afternoon.

With McCain's absence and Sen. Susan Collins' opposition to Pruitt, the Oklahoma Attorney General's path to 50 votes is tight. But the expected support of Democrats Sens. Joe Manchin and Heidi Heitkamp should ensure that his nomination is approved.

The Hill

<http://thehill.com/policy/energy-environment/319891-dem-sens-heitkamp-manchin-to-support-trump-epa-pick>

Dems Sens. Heitkamp, Manchin to support Trump EPA pick

By Devin Henry 2/16/17, 12:09 PM

Two Senate Democrats on Thursday said they will vote for President Trump's nominee to lead the Environmental Protection Agency.

In a statement, Sen. Heidi Heitkamp (D-N.D.) said she supports Scott Pruitt's nomination to EPA administrator. A spokesman for Sen. Joe Manchin (D-W.Va.) said Manchin will also vote to confirm him.

"Once Mr. Pruitt is confirmed to lead EPA, I'll work to make sure EPA focuses on smart regulation and works with states and local communities to address issues like the unworkable Waters of the U.S. rule and the punitive final Clean Power Plan rules," Heitkamp said in a statement, noting two controversial Obama administration EPA rules.

"Though I have concerns about his commitment to a comprehensive energy strategy that includes renewables and his commitment to reduce emissions to protect our air and water, I'll work to hold Pruitt accountable and make sure North Dakota's interests are heard."

Both Heitkamp and Manchin are expected to face tough re-election fights in conservative, energy-producing states next year. Heitkamp said Thursday she will also support Trump's picks to lead the Interior and Energy Departments.

The Democrats' support for Pruitt solidifies his standing ahead of a confirmation vote expected on Friday.

Though Sen. Susan Collins (R-Maine) came out against Pruitt's nomination on Wednesday, that defection will be offset by support from Heitkamp and Manchin, and no other Republican has said they will vote against Pruitt.

The Senate kicked off floor debate on Pruitt's nomination on Thursday, with Republicans hailing him as a potential agent of change at the EPA.

"Over the past eight years the political leaders of the EPA have taken actions that have undermined the American people's faith in the agency," Sen. John Barrasso (R-Wyo.) said.

As Oklahoma's attorney general, Pruitt "worked to protect the environment in his state while also working for the benefit of the people," Barrasso said.

But Democrats say Pruitt will erode the agenda's agenda and favor fossil fuel interests over that of the environment, noting his career suing the EPA during his tenure in Oklahoma.

"Never have I been forced to consider a candidate to lead the EPA who as been so focused throughout his career on crippling the agency he now hopes to lead," Sen. Tom Carper (D-Del.) said.

InsideEPA

<https://insideepa.com/daily-news/epa-staff-takes-dim-view-planned-trump-visit-agency-headquarters>

EPA Staff Takes Dim View Of Planned Trump Visit To Agency Headquarters

By Dawn Reeves 2/16/17

President Donald Trump's planned visit to EPA headquarters to sign executive orders (EO) scaling back the agency's climate change and other work is prompting questions about whether the president and Administrator-nominee Scott Pruitt might seek to require staff to attend, further deflating staffers' low morale.

One former EPA official asks, "Can Trump order EPA staff to be in the room?" The source says that career staff have been largely paralyzed by the Trump transition and beachhead teams, which imposed a communications freeze on headquarters officials, criticized agency scientists and hobbled work across program offices.

One Trump administration source told *InsideEPA/climate* Feb. 14 that the planned visit -- which will come after Pruitt is confirmed by the Senate -- is aimed at sending a message that Pruitt is ready to get to work on core clean air, water and waste issues, rather than climate change. The

message could “suck the air out” of the room.

The Senate is expected to have enough votes to confirm Pruitt, with a final vote occurring as soon as Feb. 17. In that scenario, Trump's visit to the agency could occur the following week, the source says.

The source would not share the content or number of EOs to be signed, but they are expected to dramatically scale back the agency's climate change work and could revoke former President Barack Obama's Climate Action Plan and direct the agency to begin revoking the Clean Power Plan greenhouse gas rule and the Clean Water Act jurisdiction rule.

The former EPA official says agency staff would prefer not to attend what may be a command performance with the new administrator and the new president because neither have signaled support for the agency's mission.

Also, this source notes that the beachhead team is successfully scaring agency employees into keeping quiet by holding closed-door meetings with small numbers of staff and giving them orders -- such as to begin removing climate-related information from the agency's website.

The team is reportedly not putting many orders in writing, so they cannot be sought later under the Freedom of Information Act, the source says. Also, the meetings are intentionally small so administration officials can identify staff if information is leaked.

The source says this practice is having an extremely chilling effect on the agency's workforce, as did a transition team request in the waning days of the Obama administration for a list of names of every employee that could post to an EPA social media account.

Trump campaigned on a platform of getting rid of EPA entirely, or “leaving a little bit of it.” Pruitt has made a career of suing the agency over myriad regulations during his tenure as Oklahoma attorney general. And former EPA transition leader Myron Ebell advocates deep agency budget cuts and radical staff reductions from 15,000 to 5,000.

More than 450 former EPA employees signed a Feb. 6 letter to the Senate objecting to Pruitt, including some politically appointed regional administrators along with career scientists, attorneys, analysts and others.

Also, about 30 Region 5 staffers joined a Feb. 6 anti-Pruitt protest during their lunch hour, according to a Chicago Tonight report. EPA protestors included chemist Wayne Whipple, who said, “Please, keep us doing what we're doing. Let us do what we do.”

EPA spokesman Doug Ericksen sought to downplay the Chicago protest, telling Reuters that “employees have a right to take action on their private time.” But top EPA career officials have also cautioned the agency to remember they must comply with Hatch Act ethical requirements that largely prohibit them from engaging in political activity as part of their work, according to a Feb. 3 email to all staff obtained by *Inside EPA*.

The *Reuters* article notes that Trump has also vowed to cut oil, gas and coal rules, though he says he can do so without compromising air and water quality.

Intentional Provocation

But EPA employees are worried that the bedrock air and water protections are under dire threat, and that Trump and Pruitt will impose dramatic budget and staff cuts.

The administration is said to be considering shuttering the agency's independent enforcement office and shuttling enforcement duties into the program offices -- a move that has already faced some pushback.

Some EPA staff are considering how to “slow-walk” Trump's orders, though one agency lawyer says that most employees will comply with them, short of catastrophic actions. “Unless there's an abject abandoning of EPA's role in the world, we'll do what we're told to do,” Region 5 attorney Nicole Cantello told the New York Times Feb. 11.

But a Trump visit to EPA headquarters to target agency authority and limit the scope of its work would be viewed as an intentional provocation by many agency staffers.

The former EPA official compares it to Trump's visit to CIA headquarters Jan. 21, noting news reports that Trump brought supporters to the meeting to sit alongside agency employees to cheer during his speech.

However, unlike the planned EPA visit, the CIA event was seen as somewhat of an olive branch, after Trump harshly criticized the intelligence community for investigating potential Russian hacking in the election and his potential ties to the country.

“There is nobody that feels stronger about the intelligence community and the CIA than Donald Trump,” Trump said that day, according to the *Washington Post*. That report also noted the event was the first in what aides said would be a series of visits by Trump to federal agencies. Much of his remarks complained about media coverage of the size of his inaugural crowd the prior day.

The CIA visit was on a Saturday and staff was not required to attend. Many did not, though *CBS News reported* that Trump brought his own cheering crowd to the speech.

Government officials pushed back against the perception that the CIA workforce was cheering for Trump, and said the first three rows were made up of campaign supporters, though that charge was later denied by White House press secretary Sean Spicer, who said there were no “Trump or White House folks” in the first rows. But then Spicer's account was called inaccurate by a source who helped plan the CIA visit, according to *CBS*.

A 'Real Nice Touch'

In response to a question from *Inside EPA* on whether employees could be required to attend a Trump meeting, an agency spokesperson says, “While EPA would welcome a visit by President

Trump, there is not a visit scheduled at this time. The President's schedule is managed by the White House."

The former EPA official argues that federal workers have integrity and are required to take an oath to uphold the Constitution, and that EPA career staff will be unlikely to voluntarily attend or applaud Trump or Pruitt.

One industry lawyer says sarcastically that the planned visit is a "real nice touch. Staff will love this."

Sierra Club issued a statement in response to the planned EOs, saying, "Undermining the international leadership the U.S. has shown on climate action would be an enormous mistake of historic consequence. If Trump does follow through it would mean he is declaring open season on our air, water and climate while further destabilizing our role in the world."

Meanwhile, Acting EPA Administrator Catherine McCabe flagged "challenges" ahead of Pruitt's expected confirmation in a Feb. 13 video message to staff, where she discussed Trump's hiring freeze and a separate EO imposing a government-wide requirement that two regulations be withdrawn for every new one that is issued.

"The freeze on hiring is already creating some challenges to our ability to get the agency's work done," McCabe said in the message, adding that the freeze has raised many questions that she is still trying to answer.

The former EPA official adds that little work appears to be getting done or at least is not getting communicated to the public.

EPA headquarters has not posted a press release to its website since Jan. 19, which is also the same date that the agency's Facebook page and numerous Twitter feeds were last updated. The agency's 10 regions have been sending press releases, mostly regarding relatively minor matters.

However, the agency did issue its draft annual greenhouse gas inventory Feb. 14, with plans to issue a final version by April. That report is required to be issued by statute. A notice about the report's availability was published in the *Federal Register*, but EPA did not publish a press release about it.

TechCrunch

<https://techcrunch.com/2017/02/16/the-epa-posted-a-backup-of-its-website-dated-just-before-inauguration-day/?ncid=rss>

The EPA posted a backup of its website dated just before inauguration day

By Devin Coldewey 2/16/17

In what could either be a paperwork-saving decision or a thinly veiled gesture of defiance, the Environmental Protection Agency has put a mirror of its own website online — a “snapshot” from January 19, the day before Trump was sworn in as president.

The backup appeared yesterday at a subdomain of EPA.gov, and since then has appeared under the “Frequently requested information” heading in the live webpage’s FOIA section. It appears that enough FOIA requests were submitted for various pieces of the website, or the entire site itself, that the agency decided to just put up a full mirror.

A banner at the top of the page recalls the one found on the archived Obama WhiteHouse.gov:

This website is historical material reflecting the EPA website as it existed on January 19, 2017. This website [i.e. the snapshot] is no longer updated and links to external websites and some internal pages may not work.

It’s still technically an EPA website, and so could be removed through executive action, but the fact that it was much-requested via FOIA should make it pretty robust against takedown.

That the mirror is dated January 19, though, can hardly be a coincidence. The Trump administration is openly hostile to the EPA, and its ascendance may very well mark the agency's final days — at least as the agency it's been for the last few decades. Early indicators, such as clamping down on any mention of climate change, are not reassuring.

Scott Pruitt, the man nominated to lead the agency, has sued it a dozen times (some suits are still open) and would almost certainly put up no resistance to its reduction or elimination. His confirmation vote is fast approaching, but at least one Republican Senator (Maine's Susan Collins) has announced her intention of voting against him.

I've contacted the EPA for more details on the circumstances surrounding this snapshot.

The Hill

<http://thehill.com/policy/energy-environment/319852-senate-advances-trumps-epa-pick>

Senate advances Trump's EPA pick

By Timothy Cama 2/16/17

The Senate is moving forward with Oklahoma Attorney General Scott Pruitt's nomination to lead the Environmental Protection Agency (EPA).

The chamber voted 54-46 to advance Pruitt's nomination, clearing the simple majority needed. Sens. Heidi Heitkamp (D-N.D.) and Joe Manchin (D-W.Va.) were the only Democrats to vote in favor of cloture on Pruitt's nomination, joining all 52 Republicans.

Sen. Susan Collins (R-Maine) on Wednesday became the only Republican senator to announce that she would oppose Pruitt, though she voted in favor of cloture for his nomination on Thursday.

Collins — who has voted against other Trump Cabinet nominees — told a local Maine radio station that she had concerns about how Pruitt would be able to run an agency he had spent much of his time as Oklahoma's top lawyer opposing and suing.

"His actions leave me with considerable doubts about whether his vision for the EPA is consistent with the agency's critical mission to protect health and the environment," she said.

Pruitt's vote went forward despite a failed 11th hour effort by Democrats to delay it because of a pending court case involving email records.

Democrats on the Environment and Public Works Committee, led by Sen. Tom Carper (D-Del.), said that emails Pruitt's office is likely to release publicly soon may be important in considering his nomination.

"These records are needed for the Senate to evaluate Mr. Pruitt's suitability to serve in the position for which he has been nominated," the Democrats wrote in a letter to Majority Leader Mitch McConnell (R-Ky).

But McConnell praised Pruitt on Thursday as a "welcome change" from the Obama administration, which he argued negatively impacted coal families in his home state of Kentucky.

"Pruitt thinks it's time for the EPA to get back clean air and clean water business," he said. "And to do so with an appreciation for the complexity of our modern world, with awareness of the broader economy, with compassion toward those impacted."

Thursday's vote sets up a final vote as early as Friday.

McConnell warned senators Wednesday that they should expect to stay in session through Friday afternoon, but a group of roughly a dozen senators are expected to leave for a security

conference in Germany.

Gizmodo

<http://gizmodo.com/the-epa-just-posted-a-mirror-website-of-the-one-trump-p-1792430343>

The EPA Just Posted a Mirror Website of the One Trump Plans to Censor

By Matt Novak 2/16/17

As the Trump regime has taken power, a lot of valuable information from government agencies has been erased. Useful info is being scrubbed from the USDA, the Department of Education, and there are clear indications that the EPA is next. But we now have a snapshot of what the EPA website looked like the day before Trump took office. And it's all thanks to FOIA requestors.

The Environmental Protection Agency (EPA) has come under unprecedented threat in recent weeks. Republicans have gone so far as to introduce a bill that would eliminate the EPA entirely. But people are pushing back. And after individual efforts to backup the website, along with plenty of Freedom of Information Act (FOIA) requests, the EPA just posted a snapshot of the site as it existed on January 19, 2017, the day before Trump was sworn in.

It's unclear how many FOIA requests were filed for the site, but we know that it was at least three. Under federal law, agencies are required to publicly post any documents that get three or more requests. "Documents" is a catchall term under FOIA that can include anything from videos to websites. If just one person makes a request, those documents are only sent to the person who asked for it and it's up to that party to make it public.

"The genius of this approach is that, because they were required by federal law to post the mirror site (because it's a frequently requested record), it's harder now to force it down," writer and anthologist Russ Kick told Gizmodo over email. Kick is the founder of The Memory Hole, a one-man operation that posts government documents.

Kick wasn't one of the requestors in this case, but he noticed it this morning after the EPA

posted the mirror site yesterday.

“I must admit that I didn’t file a FOIA request for the site. That tactic hadn’t occurred to me, but I love it,” Kick said.

The EPA’s mirror website makes it clear that it’s just a snapshot, and that links could very well die at some point. But it’s better than nothing.

“This is not the current EPA website,” the site reads. “To navigate to the current EPA website, please go to www.epa.gov. This website is historical material reflecting the EPA website as it existed on January 19, 2017. This website is no longer updated and links to external websites and some internal pages may not work.”

Unfortunately, there are elements of the website that aren’t backed up because of size constraints. Those elements can still be found at the links below:

AirNow images: available at <https://cfpub.epa.gov/airnow/index.cfm?action=airnow.main>

Radiation Network graphs: available at <https://www.epa.gov/enviro/radnet-overview>

Historic Air Technology Transfer Network information: available at <https://www.epa.gov/technical-air-pollution-resources>

EPA’s Searchable News Releases: available at <https://www.epa.gov/newsreleases/search>

Coincidentally, I filed my own FOIA request back in September to see if the EPA has purchased any new domain names from September 2015 to September 2016. The agency told me that it hadn’t, but I guess they’ve purchased at least one since then: <https://19january2017snapshot.epa.gov/>. (Update: As has been pointed out to me, it’s just a subdomain of EPA. I didn’t look closely enough and am an idiot.)

I guess it's time for everyone to submit FOIA requests for every federal agency's website if we want to save data before Trump can get his cheeto-tinted hands all over them.

Bloomberg BNA

http://esweb.bna.com/eslw/1236/split_display.adp?fedfid=105705706&vname=ccrnotallissues&wsn=49506760

EPA Girds for Pruitt Arrival as Democrats Continue to Fight

By Brian Dabbs 2/16/17

Scott Pruitt may take the reins of the Environmental Protection Agency Feb. 17, the agency's acting administrator Catherine McCabe told colleagues in a video posted publicly.

That projection aligns with Senate Republicans' repeated commitments to confirm the controversial nominee by the end of this week before departing for a roughly 10-day recess.

Still, the precise timing of a confirmation vote remains murky, and Democrats continue to push for last-minute disclosures of the Oklahoma attorney general's correspondence with fossil fuel companies. Those disclosures would allow lawmakers to fully evaluate the nominee, the Democrats indicated in a Feb. 15 letter to an Oklahoma district court judge.

The judge, Aletia Haynes Timmons, will convene an emergency hearing Feb. 16 to assess a suit filed against long-delayed release of attorney general's office e-mails with Murray Energy Corp. and Devon Energy Corp., among other companies Ctr. for Media and Democracy v. Pruitt, Okla. Dist. Ct., CV 2017-223, 2/7/17.

Democrats Aim to Join Suit

The Center for Media and Democracy and the local chapter of the American Civil Liberties Union filed the suit, citing a more than two-year delay of the release of the e-mails. In recent

days, the attorney general's office provided more than 400 of those e-mails, but the plaintiffs say hundreds if not thousands more should be disclosed.

Senate Environment and Public Works Democrats, led by ranking member Tom Carper (D-Del.), urged Timmons to force full disclosure of the e-mails and asked to formally participate in the case as amici advisers.

“Mr. Pruitt has not been forthcoming with information many of us believe to be necessary to evaluating his nomination fully,” said the Democrats before providing a range of information they allege shows improper ties between Pruitt and the fossil fuel industry. “We are providing this information to the court today because we have concluded plaintiff's pending Open Records Act requests may be the only means by which the Senate and general public can obtain in a timely manner critical information about Mr. Pruitt's ability to lead the EPA.”

Committee Democrats boycotted two nomination votes on Pruitt in early February, but Republicans suspended committee rules and advanced the nomination to the Senate floor. Following possible confirmation Feb. 16 of Rep. Mick Mulvaney (R-S.C.) as Office of Management and Budget chief, Senate Republicans have vowed to move then to Pruitt's confirmation.

McCabe Concerns

Meanwhile, McCabe told agency employees to prepare for a new wave of EPA personnel.

“We expect to see Mr. Pruitt here at EPA as early as this Friday. You will also see new political appointees arriving at EPA Friday or in the coming weeks,” she said.

The tumultuous presidential transition, however, is taking its toll on the agency, McCabe added. “The freeze on hiring is already creating some challenges to our ability to get the agency's work done,” she said. “We also recognize that the freeze on regulations raised many questions.”

The Trump administration is tentatively scheduled to lift the regulatory freeze in March, while the hiring freeze may wrap up the following month. Former and current EPA officials fear the hiring freeze could persist beyond that date. Critical functions, such as scientific research and grant administration, would suffer as a result, those officials have told Bloomberg BNA.

McCabe didn't specify the particular areas in which the EPA is currently falling short.

Bloomberg BNA

http://esweb.bna.com/eslw/1236/split_display.adp?fedfid=105705697&vname=ccrnotallissues&wsn=49506710

Carmakers' Plea for Fuel Economy Review Sets Stage for Showdown

By David Welch, Ryan Beene, and John Lippert 2/16/17

Automakers enjoying lucrative sales of trucks and sport utility vehicles are hoping President Donald Trump makes good on his vows to deregulate. Environmental groups are saying fuel efficiency standards won't be watered down without a legal challenge.

"We'll see him in court," Dan Becker, director of the Safe Climate Campaign, said of the group's planned response if the rules are revisited. "There are a lot of reasons to keep the standards in place and there will be a fight."

Eighteen auto industry executives sent a letter to Trump on Feb. 10, asking him to reinstate an Environmental Protection Agency review of fuel economy regulations through 2025 that they say was unfairly cut short during the final days of the Obama administration. That letter could be the opening act in a potential drawn-out battle in Washington and in U.S. courts as environmental groups consider suing to stall or derail any effort to lower the targets.

"The primary issue here is we do not see any kind of technical basis for weakening the standards," said Roland Hwang, director of the energy and transportation program at the Natural Resources Defense Council. "We're looking at our options," he said, declining to say definitively whether the environmental advocacy group would file litigation.

Carmaker Action

The issue auto executives raised in their letter was the review process for the nation's fuel efficiency standards. The companies and then-President Barack Obama struck a deal in 2011 to double average fuel economy of vehicles to 54.5 miles per gallon by 2025, with the caveat that a mid-term review would determine whether the standards for the final years of the program were feasible.

Automakers say falling gasoline prices have squelched demand for the most fuel-efficient vehicles, making achieving the standards more difficult. Just a week before Trump took office, the EPA said it had concluded its review more than a year ahead of schedule and the rules didn't need to be changed.

Oklahoma Attorney General Scott Pruitt, Trump's nominee to lead the EPA, told a Senate panel in January he planned to review the EPA's final determination that the 2025 auto rules should remain intact.

If the EPA revisits the mid-term review, it won't necessarily come to a different conclusion than the one reached in Obama's final days in office. That decision was the culmination of a rules evaluation that began last summer with the publication of a more than 1,200-page Technical Assessment Report that examined costs, technology effectiveness and other aspects of the standards.

Thorough Process

Hwang called the review “one of the most thorough decision-making processes I've seen by an agency.” The NRDC views automakers’ request to re-open the review as a move to “politically meddle with what should be a science-based decision.”

“I don't know what information they could bring to the table that hasn't been brought to the table already,” he said.

Trump's push to ease regulatory burdens may create a window of opportunity for carmakers. The letter, signed by chief executives including Mary Barra of General Motors Co., Mark Fields of Ford Motor Co. and Sergio Marchionne of Fiat Chrysler Automobiles NV, said that “ignoring consumer preferences and market realities will drive up costs for buyers and threaten future production levels.”

Automakers have only asked for the mid-term review to be reinstated. It's possible that Trump's EPA could seek major changes, such as insist on weaker federal rules so that carmakers have more cash to invest in the zero-emission cars they're required to sell in California.

What's Next

Enacting new rules altogether would be a lengthy process. If Trump does initiate a new round of rule-making on the EPA's 2022-2025 greenhouse gas standards, he's likely to do so as a joint exercise with the National Highway Traffic Safety Administration, which will then be writing fuel economy standards for those same years, said Jeff Holmstead, a former assistant administrator at the EPA and now a partner at Bracewell LLP in Washington.

“I don't think they'd completely eviscerate those regulations,” Holmstead said. “But there are probably ways to make them more flexible and reduce the cost.”

A formal rule-making process, complete with public notices and comment periods, would probably take at least a year. To change the rules, Pruitt would also need to provide a formal explanation on why he's scrapping Obama's so-called final determination.

“While the auto industry might welcome lower fuel efficiency standards, environmental groups and consumer advocates almost certainly would sue,” said David Uhlmann, director of the University of Michigan's Environmental Law and Policy Program. “The reviewing court is not likely to view favorably the fact that a new administration tried to do a 180-degree turn from the

previous administration” and will “want to be assured there's a rational basis for the change.”

Politico Pro

<https://www.politicopro.com/tipsheets/morning-energy/2017/02/debate-begins-on-pruitt-nomination-today-021417>

Debate begins on Pruitt nomination today

By Anthony Adragna 2/16/17, 5:45AM

DO IT, PRUITT! The Senate is set to advance Scott Pruitt's nomination to run EPA this morning, but Democrats say they plan to delay a final vote as long as they can. Senate Majority Leader [Mitch McConnell](#) has asked everyone to stick around for a Friday afternoon confirmation vote — potentially complicating the travel plans for several senators who had been planning to leave tonight for a codel to the Munich Security Conference. Pruitt will ultimately be confirmed, but not before Democrats highlight their strenuous objections to his record. “I think we’ll use our 30 hours” of debate time, Sen. [Ben Cardin](#) told ME. “I don’t think we expect at this particular moment the outcome to be in doubt. I don’t think it is in doubt. But I think we’ll want to articulate our concerns. It’s been effective in at least putting the nominee on notice and energizing the private sector to hold the nominee accountable to our environmental objectives.”

What about his emails? An Oklahoma state judge will hear a lawsuit today saying Pruitt has delayed releasing or withheld emails regarding his dealings as state attorney general with fossil fuel and conservative groups. Watchdog group Center for Media and Democracy argues Pruitt’s office had yet to fully respond to a half-dozen requests dating as far back as January 2015. His office released 411 emails on Friday, but CMD said that was insufficient. The group questioned how Pruitt’s office narrowed those emails down from 3,000 it previously said it was reviewing, complained Pruitt’s office did not provide any emails from the past two years and argued its request should have turned up emails previously reported in The New York Times. The hearing, which is not webcast, is before Judge Aletia Haynes Timmons of the District Court in Oklahoma County at 3 p.m. local time. That will be a few hours after the Senate advances his nomination — a cloture vote on Pruitt is scheduled immediately following the 10:30 a.m. confirmation vote for Rep. [Mick Mulvaney](#) to run OMB.

How much do Dems want them before he’s confirmed? Enough to send a [letter](#) Wednesday to Timmons urging her to order the emails released. “Without court intervention, we fear the Attorney General’s office will continue to use the Open Records Act review process to shelter

Mr. Pruitt from scrutiny, and not provide access to information the Senate and the public needs,” wrote six Environment and Public Works Committee Democrats. They add getting the emails would still be useful for oversight, even if they are released after Pruitt is confirmed. Five EPW Democrats will call on McConnell to delay Pruitt's vote until the conclusion of the hearing during a 12:00 p.m. press conference today.

Republican defection: At least one Republican senator, Susan Collins of Maine, won't support Pruitt's nomination, although that is unlikely to keep him from getting confirmed. "I have significant concerns that Mr. Pruitt has actively opposed and sued EPA on numerous issues that are of great importance to the state of Maine, including mercury controls for coal-fired power plants and efforts to reduce cross-state air pollution and greenhouse gas emissions," she said in a statement. "His actions leave me with considerable doubts about whether his vision for the EPA is consistent with the Agency's critical mission to protect human health and the environment."

E&E News

<http://www.eenews.net/climatewire/stories/1060050167>

The countdown is on. Pruitt to make a 'negative' entrance

By Emily Holden, Niina Heikkinen, and Kavya Balaraman 2/16/17

Scott Pruitt could be on the ground at U.S. EPA as early as tomorrow, with the Senate set to confirm his nomination as the agency's administrator tomorrow afternoon.

The Republican Oklahoma attorney general, who has challenged numerous EPA regulations in court, is expected to work quickly toward reversing major rules established by the Obama administration. Finalizing those rollbacks could take time.

Once Pruitt is in place, President Trump could take a number of symbolic steps against his predecessor's signature climate achievements. He could issue executive orders declaring that climate standards for power plants are illegal or announce his intent to exit the international agreement to curb greenhouse gas emissions.

Before that can happen, Pruitt and other political appointees will have to be sworn in and begin the delicate process of persuading scientists and other civil servants to share a sharply altered outlook for the agency under Trump.

That could start this week, acting Administrator Catherine McCabe told employees in a video message Tuesday. The first actions by the incoming political class could set the tone at EPA, where staffers are already nervous about potential budget and staffing cuts.

"It's not a great situation right now," said Christine Todd Whitman, who was EPA administrator under George W. Bush. "Those who are eligible for retirement are certainly looking at that as an option. There's no fun working in a negative environment."

Whitman said she worries that the American public won't understand what is happening at EPA until the next major disaster.

"There's so much coming out that needs to be sorted out with the administration right now," she said. "EPA's a little bit a victim of its own success, because people just expect to have clean air and clean water."

Nicole Cantello, an EPA lawyer based in Chicago and a union steward with American Federation of Government Employees Local 704, said last week that the "bad news is coming fast and furious." That's why EPA staffers in Region 5 recently protested publicly.

Looming budget cuts are a widespread worry. Cantello said that severe defunding would have prevented EPA from responding to the drinking water contamination crisis in Flint, Mich., and oil spills in the Gulf of Mexico. EPA's case against Volkswagen AG for cheating on emissions tests "would never have been known about," she said.

Cantello works on water quality in the Great Lakes region, a multistate issue that must be handled by the federal government. She worries that those efforts will suffer with changes at EPA, and she said her co-workers are concerned that the agency's mission could be curtailed or "shackled completely."

Roller-coaster tweets

Staff members at EPA headquarters expressed a mix of emotions as they left their Washington, D.C., office yesterday evening, in the final hours before their new boss steps into the building.

"It's copacetic; nothing really much has changed, at least on my end," said one man who said he works at EPA but declined to give his name or department.

Other staff members said work at the agency has been proceeding as normal, although there is some doubtfulness about the future of certain projects. One EPA employee in the Office of Atmospheric Programs who gave only a first name, Robert, said people are concerned about potential budget cuts for contractors and travel.

Everyone seems to be anticipating what Pruitt is likely to say at his first all-hands meeting. And many are watching Trump's tweets, which have the power to lift, and sink, people's moods.

"Now there's talk of about a 50 percent cut in extramural resources, so there is planning for that, all the way from 10 to 50 percent [cuts], so people are pretty worried," Robert said. "It's definitely mixed morale, varied day by day based on the latest spouting off from the White House."

There is also talk of staff cuts and rumors that employees would have to take two weeks of unpaid leave this year, he said.

"There are a lot of even more concerned people who are in the climate change group; I mean, obviously, they are more in the crosshairs," Robert said.

Whitman said one indicator of how Pruitt will run the agency is how he treats science.

"From what I've heard so far, those who have been parachuted in to do the prep work for Scott Pruitt are asking questions that indicate a great skepticism for the quality of the science," Whitman said.

Doug Ericksen, the temporary head of EPA communications, said so far, there are no specific plans to change staffing levels, and he downplayed the impact of the recent hiring freeze, which prevents the agency from replacing those who are leaving.

"That would be up to the administration, the White House and the Congress in terms of overall funding to all the agencies," Ericksen said.

"I think we're just going to continue down the pathway of a smooth transition with a new administrator," he said. "He's going to be meeting with the career professionals here at the agency and working on putting his staff around him, kind of the usual stuff you would expect."

Last week, Ericksen acknowledged that the administration wanted to cut back on travel but declined to specify how much EPA might reduce those budgets.

Lax enforcement coming?

Former EPA employees note that major changes may take a while to find traction. But there are bound to be some staffers who feel alienated by those efforts and leave.

Bruce Buckheit, who enforced environmental laws at the Justice Department and then was air quality director at EPA, was at the agency during the transition from the Clinton administration to the George W. Bush administration.

"They took until May or June to really start changing things," Buckheit said. "The first couple months, we were all kind of wondering what would happen, but it didn't happen overnight."

Buckheit worked under Whitman, who he said supported EPA's core mission, but he was forced to work with assistant administrators who did not. As things changed, Buckheit said, he stayed for a year because "Whitman said 'Hang in there; we'll get this right.'"

U.S. EPA administrator nominee Pruitt could see his Senate confirmation as early as tomorrow. Photo courtesy of C-SPAN.

As acting administrator, McCabe seems to be trying to reassure staff members, thanking them in Tuesday's video for their "continuing patience."

"We do recognize the transition has brought some challenges," she said, acknowledging that the hiring freeze and the halt on new regulations are causing some difficulties.

Congress will likely move to reduce EPA's budget, although Buckheit noted that might be hard because most of EPA's funds are "stovepiped" in grants to localities.

"Those people are going to want to keep their money," he said.

Sources have suggested that new EPA leaders might also limit enforcement work (E&E Daily, Feb. 9).

Sara Schneeberg, who worked in the general counsel's air office until 2015, started out in the agency's enforcement unit under the Reagan administration. The controversial EPA head at the time, Anne Gorsuch Burford, slowed enforcement action.

"In the general counsel's office, the lawsuits are running and the lawsuits are brought against the agency and you have to defend them," Schneeberg said. "But in the enforcement office, that's EPA's initiative. You go out and you sue people. But we were told you don't go out and sue people."

Schneeberg, who worked at EPA through many transitions, said this one "seems definitely the worst."

Pruitt worries one Republican

The Senate vote tomorrow will mark the end of more than two months of opposition campaigns characterizing Pruitt as a fossil fuel lackey.

Environmental advocates, joined by Democratic senators and former agency officials, rallied yesterday evening in front of the Capitol. They carried signs saying "Pruitt the Polluter" and chanted "No hate, no fear; your climate denial's not welcome here."

Sen. Tom Carper (D-Del.) criticized Pruitt's record and suggested that his nomination is the first step toward shuttering EPA, a Trump campaign promise. Carper urged Senate leaders to delay Pruitt's confirmation vote until he releases his email correspondence with oil and gas industry interests.

"It's beyond me to understand why [Republicans] would not wait a week until we had full information," he said on the sidelines of the event. "Maybe they're fearful of the story they will tell," he added, referring to the emails.

Carper and Sen. Sheldon Whitehouse (D-R.I.) said Democrats would use all their floor time to oppose Pruitt's nomination.

"We are going to be extremely active on the floor and burn as much time as we possibly can," Whitehouse said. He added that he hopes Republicans will pay in the 2018 elections for hamstringing EPA.

"Our Republican friends are walking around looking at the ceiling tiles, pretending that they don't really see what's going on — because there is so much clout in this building from the fossil fuel industry," he said, pointing at the Capitol.

Senate Majority Leader Mitch McConnell (R-Ky.) said on the floor last night that a vote to proceed to Pruitt's confirmation will be held at 10:30 a.m. today. By tomorrow afternoon, the Senate could confirm Pruitt. He could be at his desk in EPA headquarters before sunset.

Pruitt has enough votes to be confirmed even if all Democrats oppose him. Only one Republican, Sen. Susan Collins of Maine, has said she will vote against him.

Collins, in an interview with Maine Public Radio, called Pruitt "an accomplished attorney with considerable knowledge about environmental laws," but she said she has concerns about how actively he has opposed and sued EPA.

E&E News

<http://www.eenews.net/eedaily/stories/1060050159>

Senate GOP maneuvers to confirm Pruitt by tomorrow

By Geroage Cahlink 2/16/17

Senate Republicans are insisting U.S. EPA nominee Scott Pruitt will be confirmed by the end of this week, despite near-solid Democratic resistance and at least one GOP opponent.

Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) said Pruitt would be confirmed by no later than tomorrow afternoon even if Democrats continue to force floor delays.

He said the vote could come earlier if members of the minority opt not to use all 30 hours of their allowed floor time to fight Pruitt.

Senate Majority Leader Mitch McConnell (R-Ky.) said last night: "All members should plan to stay here until complete consideration of the Pruitt nomination."

EPW Committee ranking member Tom Carper (D-Del.) promised Democrats would use all of the time to oppose the Oklahoma attorney general, whom they believe would push for a massive regulatory rollback at EPA. If Democrats stick with their plans, the Senate will be in for another overnight session tonight.

Carper suggested waiting until after a week to allow a federal court to possibly release emails related to his tenure as attorney general.

"Why wouldn't we wait a week to find out what story those emails told?" Carper asked yesterday evening. "Maybe they're fearful of a story they would tell."

Collins to oppose Pruitt

Republican Sen. Susan Collins of Maine, one of the Senate's leading moderates, broke with her party yesterday and announced she would oppose Pruitt.

Collins told Maine Public Radio that Pruitt is a competent attorney and that she could support him for another post, but not EPA.

"Pruitt has actively opposed and sued the EPA on numerous issues that are of great importance to the state of Maine, including mercury controls for coal-fired power plants and efforts to

reduce cross-state air pollution and greenhouse gas emissions," Collins said.

"His actions leave me with considerable doubts about whether his vision for the EPA is consistent with the agency's critical mission to protect human health and the environment," she said.

Collins, whose move was largely expected, is the first and may be the only member of her party to break ranks on Pruitt.

With the GOP holding a two-seat advantage in the Senate and West Virginia Democrat Joe Manchin speaking positively about Pruitt, Collins' opposition won't derail the pick.

The Natural Resources Council of Maine praised Collins and the state's independent Sen. Angus King, who caucuses with Democrats, for protecting the state's natural resources by opposing Pruitt.

"We are counting on them to continue defending the health of Maine people, our nature-based economy, and safeguards for the clean air and clean water that define our state," said Lisa Pohlmann, the group's executive director.

FreedomWorks, the pro-fossil fuel group, mocked Collins' vote by sending out a sarcastic press release, which it called a template for when the moderate lawmaker opposes a conservative choice.

"The template reads, 'We're shocked — absolutely shocked — that Sen. Collins would oppose a conservative [insert policy or nominee]. It's a shame that Sen. Collins is once again aligning with herself far-left Democrats and special interests like [insert crazy liberal group(s)] to block a crucial [nominee/policy who/that] would accomplish conservatives' dream of [action/result]," the FreedomWorks statement said.

Mulvaney

Debate on Pruitt will begin once the Senate approves Rep. Mick Mulvaney (R-S.C.) as director of the Office of Management and Budget. Votes are set for this morning.

In that post, the four-term lawmaker will oversee the crafting of President Trump's annual spending plans and coordinate rules across government.

Mulvaney, a fiscal hardliner who supported the last government shutdown and has raised doubts about human links to climate change, has drawn solid opposition from Democrats and concerns from some in the GOP, particularly over his willingness to call for cutting Pentagon spending.

One of those critics, Senate Appropriations Chairman Thad Cochran (R-Miss.), said yesterday he would support the nomination.

Senate Armed Services Chairman John McCain (R-Ariz.), who challenged Mulvaney over spending cuts at his confirmation hearing, said he would vote against him.

Perry, Zinke

Congressional aides won't rule out voting on other nominees before Congress adjourns for a weeklong Presidents Day recess.

Less controversial picks, such as Energy secretary nominee Rick Perry, Interior secretary nominee Ryan Zinke and Commerce secretary nominee Wilbur Ross, could be confirmed quickly if the parties can come to a deal.

Perry's chances for a speedy approval might have dimmed a bit yesterday with the League of

Conservation Voters coming out strongly against his nomination.

"Perry's record of putting fossil fuel industry interests ahead of public health and environmental protections disqualifies him for the critical position of Secretary of Energy," LCV said, promising to score lawmakers on their vote.

Another pending nominee, Agriculture secretary pick Sonny Perdue, awaits a date for his confirmation hearing, which is seen as likely by the end of the month.

InsideEPA

<https://insideepaclimate.com/daily-news/first-climate-case-under-trump-dc-circuit-hear-suit-over-hfc-rule>

In First Climate Case Under Trump, D.C. Circuit To Hear Suit Over HFC Rule

By Abby Smith 2/15/17

Upcoming appellate court oral arguments in litigation challenging an EPA rule curbing hydrofluorocarbons (HFCs) could offer a crucial indication of where the Trump administration stands on regulating the potent greenhouse gases, as well as potential insight into how it could approach other key climate and environmental suits.

The U.S. Court of Appeals for the District of Columbia Circuit has scheduled Feb. 17 arguments in *Mexichem Fluor, Inc., v. EPA*. The suit challenges EPA's July 2015 rule removing several high global warming potential (GWP) HFCs from a list of acceptable chemicals under its Significant New Alternatives Policy (SNAP) program.

The rule is the first of several such measures to limit production and use of the refrigerants due to their climate change impacts. The Obama administration promulgated another SNAP rule in October 2016 delisting a second round of high-GWP HFCs.

The chemical companies that brought the lawsuit, Mexichem Fluor and Arkema, Inc., argue that EPA lacks Clean Air Act authority to regulate HFCs under the SNAP program, which was originally developed to limit ozone-depleting chemicals. Under that program, HFCs were approved as acceptable replacements for other refrigerants that caused significantly more damage to the ozone layer.

The companies also charge that, even if EPA does have SNAP authority to regulate HFCs, its rule was “arbitrary and capricious” because the agency failed to consider factors other than GWP when delisting the chemicals.

The upcoming arguments mark the first time the Trump Department of Justice (DOJ) will be charged with defending an Obama-era climate rule in court, and also the first arguments in an environmental lawsuit since Attorney General Jeff Sessions was confirmed.

In the first EPA suit to be argued under the Trump administration, DOJ on Feb. 10 defended an Obama EPA declaration that it has satisfied an air law requirement to regulate 90 percent of seven air toxics. But that defense was expected because the finding helps EPA avoid issuing new air toxics rules.

In the HFC litigation, it is unclear whether the new administration, which is largely hostile to climate policy, will switch positions during the arguments or potentially seek to settle the case.

The suit presents an interesting dynamic because industry is split. While Mexichem and Arkema are seeking to scrap agency's underlying authority over HFCs, large chemical companies Honeywell and Chemours are defending the agency and rebuking the other chemical firms' view of the air act as too restrictive.

Challengers “resort to tortured constructions of the law” to fight the regulation, primarily because they did not have the foresight to develop new chemicals in preparation for compliance, Honeywell and Chemours said in a June 10 brief supporting the rule.

One fact that could affect the Trump administration's view on the issue is that Mexichem and

Arkema are foreign firms while the companies backing the rule are domestic. Trump has often talked about boosting American companies through trade policy and other venues.

And broadly, industry groups, including chemical firms and many appliance manufacturers, support a “manageable” transition away from high-GWP HFCs, though they have sometimes criticized EPA's SNAP rules.

Industry sources have also noted that the pending litigation causes compliance uncertainty because some of the SNAP obligations began in January.

Trade Sanctions

Industry also largely backs an international agreement struck last year that crafts a global phasedown of HFCs under the Montreal Protocol. However, the future of that deal -- known as the Kigali Amendment -- is now uncertain.

Chemical and appliance firms, as well as environmentalists, are urging Trump to back the Kigali deal, which would likely require ratification by the Senate. They also warn that not participating in the deal carries significant risks.

The Montreal Protocol includes strict trade sanctions banning the import of chemicals from countries that are not members of the deal and do not follow its phasedown requirements. Exporting chemicals to such countries would also be prohibited.

Thus, if the United States does not join the Kigali pact and does not follow its HFC restrictions, domestic chemical producers could not export HFCs to developing countries like India that are poised to be significant customers because the Kigali amendment does not require them to begin phasing down the substances until 2028.

U.S. appliance manufacturers might also be affected because they would be limited to

purchasing refrigerants from domestic suppliers -- a move that might boost prices.

The SNAP rules give the U.S. a path to meet Kigali's first phasedown step in 2019. That effectively protects against trade sanctions even if Trump administration decides not to move forward with the global deal.

But if the court overturns the SNAP rules, or if the administration ultimately weakens the regulations, the country could be in jeopardy of not meeting its first set of Kigali obligations.

'Square Peg, Round Hole'

Much of the Feb. 17 oral arguments will likely focus on whether courts should grant deference to EPA's interpretation that its SNAP authority allows it to limit HFCs.

Mexichem and Arkema charge that EPA disregarded the bounds of the SNAP program as set by air act section 612 to meet the HFC reduction goal in President Barack Obama's Climate Action Plan.

“In short, EPA has pounded the square peg of the President's Climate Action Plan into the round hole of [section] 612 and the SNAP regulations. In doing so, the Agency has produced a rarity -- an air emissions regulation where the significance of risk, amount of emissions, extent of controls, and actual effects on the atmosphere are irrelevant,” Mexichem and Arkema wrote in their March 2016 opening brief.

The firms charge EPA lacks authority to regulate HFCs under the statute “without Congress's authorization.” Congress also would have to act, they say, to grant EPA authority to craft rules to implement the Kigali deal.

They also argue that EPA's interpretation of section 612 as allowing it to continue direct replacement of future generations of chemicals is “astonishingly expansive” and “far removed

from the comparatively modest purpose of the provision -- to ensure that ozone-depleting substances are replaced with safe alternatives as they are phased out.”

But EPA and its supporters say petitioners' interpretation of the statute is too restrictive and would inhibit EPA's ability to meet the SNAP program's requirement that it update the list of acceptable chemicals to reflect those that pose the lowest overall risk based on a variety of factors, including “human health and the environment.”

“To hold otherwise, as Petitioners advocate, would disregard Congress's mandate that EPA consider risks to human health and the environment when regulating alternatives to ozone-depleting substances and would stand in tension with settled principles of administrative law regarding an agency's authority to reconsider prior decisions,” the Obama DOJ wrote in a May brief defending the rule.

Honeywell and Chemours also argue that restricting the agency's ability to continually update the list of acceptable and unacceptable chemicals “would stifle the very innovation Congress sought to promote and forever insulate even the most harmful chemicals from being removed from the list of acceptable alternatives, long after industry has invented better substitutes that pose lower risks to human health and the environment.”

In addition, the Natural Resources Defense Council in a June 10 brief argued that Mexichem and Arkema could not point to any specific statutory language that restricts EPA's power to regularly update its lists of acceptable and unacceptable chemicals.

The petitioners also oppose the rule on several other grounds, including that EPA did not adequately consider energy efficiency in its SNAP rule decisions, and that the agency neglected to properly articulate its reasoning for the GWP limits.

DOJ, however, argued that EPA determined which chemicals to delist based on the SNAP program's “comparative risk framework” -- of which environmental impacts like GWP are only one factor. “Petitioners' dissatisfaction with that analysis should not be confused with a failure to perform it,” DOJ wrote.

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To: Konkus, John[konkus.john@epa.gov]; Benton, Donald[benton.donald@epa.gov]
From: Kreutzer, David
Sent: Wed 2/8/2017 12:09:02 PM
Subject: Fwd: EPA Daily News Briefing for Wednesday, February 8, 2017

How fast can we end/replace this clip service? It seems designed to embarrass Pruitt and push the liberal agenda.

Sent from my iPhone

Begin forwarded message:

From: "Bulletin Intelligence" <epa@bulletinintelligence.com>
Date: February 8, 2017 at 6:55:44 AM EST
To: epa@BulletinIntelligence.com
Subject: EPA Daily News Briefing for Wednesday, February 8, 2017

Mobile version and searchable archives available at epa.bulletinintelligence.com.

TO: ADMINISTRATOR AND SENIOR EXECUTIVES
DATE: WEDNESDAY, FEBRUARY 8, 2017 7:00 AM EST

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 - [New York To Expand Blood-testing Program For PFOS, PFOA.](#) (MTWNHER)

Administrator

Watchdog Groups Files Open Records Lawsuit Against Pruitt.

[NPR](#) (2/7, Wertz) reports that the Center for Media and Democracy filed an open records lawsuit against EPA Administrator-designate Scott Pruitt seeking records during his time as Oklahoma's attorney general with fossil fuel companies and the Republican Attorney General's Association. The group also asked a judge "for an injunction preventing the Oklahoma AG's office from destroying any documents related to its records request."

[Reuters](#) (2/7, Volcovici) reports that center's director of research, Nick Surgey, said, "We are doing this because these emails should be released so that people can properly vet his record before the Senate votes to confirm him."

Report Says Pruitt Made False Statement While Under Oath To Senate.

The [San Francisco Chronicle](#) (2/6) reports that EPA Administrator-designate Scott Pruitt "may have made a false statement under oath to the Senate," according to a report first filed by Fusion's Daniel Rivero on Monday. The "underlying facts of Rivero's article" were then confirmed by Business Insider through an "independent review of publicly available documents from the case." During his confirmation hearing, Sen. Cory Booker (D-N.J.) asked Pruitt whether his approach to a case against several poultry companies was impacted because he previously "received \$40,000 in donations from those companies and law firms representing them." At issue is Pruitt's response, in which he claimed: "I have taken no action to undermine that case. I have done nothing but file briefs in support of the court making a decision." Contradicting his claim made under oath to the Senate, Rivero and his team "found no evidence that Pruitt or his office had filed any briefs in support of making a decision with the case."

Additional Reading.

- [Scott Pruitt Would Be A Disaster For Colorado's Air, Water And Our Families' Health.](#) [Denver Post.](#) (2/7)

Brownfields/Superfund/Other Cleanups

Additional Reading.

- **Trump Firm Loses Bid To Limit Cleanup Liability For Property.** New York Times. (2/7, Meier)
- **EPA Starts Superfund Soil Testing In Pueblo City Parks.** Pueblo (CO) Chieftain. (2/7)

Climate Change

Republican Statesmen Call For Carbon Tax.

The New York Times (2/7, Schwartz) reports that a group of Republican statesmen are calling for a tax on carbon emissions to fight climate change. The Climate Leadership Council, led by former Secretary of State James A. Baker III, with former Secretary of State George P. Shultz and former secretary of the Treasury Henry M. Paulson, claim a carbon tax is “a conservative climate solution” based on free-market principles. Baker is scheduled to meet on Wednesday with White House officials to propose a simpler carbon tax to replace the Clean Power Plan. The Washington Post (2/7, Mooney, Eilperin) reports the Climate Leadership Council is proposing to eliminate “nearly all of the Obama administration’s climate policies in exchange for a rising carbon tax that starts at \$40 per ton and is returned in the form of a quarterly check from the Social Security Administration to every American. While “the proposal faces long odds” because “many Republicans in Congress are adamantly against a tax increase of any kind,” the Post says “the revenue-neutral ‘carbon fee and dividend’ idea” is popular among economists and some leading climate scientists,” though “Republican statesmen from past administrations” are aligning behind the proposal for the first time. The Wall Street Journal (2/7) details how the carbon tax would work as an alternative to government regulation. The AP (2/7, Lucey, Pace) also reports.

Broad Coalition Backs Carbon Capture Tax Credit. TIME (2/7) reports a coalition of energy firms, green groups and trade unions are backing a proposed measure that “helps fight greenhouse gas emissions by providing a tax credit for capturing and storing carbon dioxide.” Support for the Section 45Q tax credit was detailed in a letter sent last week to members of Congress which said carbon capture and storage “represents an essential component of our nation’s strategy for achieving greenhouse gas emissions reductions,” and is a “genuine win-win for our nation’s economy and environment.”

Industry, Congress Seeing Exiting Paris Deal A Lower Priority.

ClimateWire (2/7) reports that President Trump is being pulled in two directions on the Paris climate agreement: “Bend to ideological opponents of global climate action, or listen to the capitalists who see a financial angle in the small print.” Trump transition staff from conservative think tanks such as the Competitive Enterprise Institute and Heritage Foundation “are keeping up the drumbeat for an early exit,” but individual companies continue to support the deal and trade groups “remain carefully agnostic.” National Mining Association spokesman Luke Popovich said “it is by no means a priority for the U.S. industry, and I’m not sure it’s a top-tier priority for the administration, either.” Senate Republicans aim to re-prioritize the accord, noting that the agreement’s only binding elements relate to reporting and transparency, with Sen. Jim Inhofe saying, “It really is hardly worth even addressing.”

Whistleblower Claims NOAA Manipulating Climate Change Data.

Fox News' Special Report (2/7) reports John Bates, who recently retired as a lead scientist of the National Climatic Data Center, made the "explosive" accusation to the Daily Mail on Sunday that the National Oceanic and Atmospheric Administration (NOAA) "intentionally manipulated data to hide a 12-year pause in global warming and that the study was a major influence in the 2015 Paris climate summit where western nations agreed to spend billions to reduce fossil fuel use." Bates on Tuesday testified before lawmakers on the matter in a hearing entitled "Making the EPA Great Again." He was shown saying, "We have every reason to be skeptical that our scientific community is maintaining its integrity."

Energy

Volkswagen Announces Subsidiary To Promote Electric Vehicles.

Bloomberg News (2/7, Beene) reports Volkswagen has created a new subsidiary called Electrify America LLC, which will "manage the \$2 billion it is required to spend over the next decade in support of zero-emissions technology in the U.S." The company will invest in EV infrastructure, such as charging stations, and operate various means of raising awareness for EVs as part of its parent's legal settlement with the EPA over emissions violations.

The Wall Street Journal (2/7, Roberts) reports that almost half of the \$2 billion is expected to be spent in California where there are high volumes of electric vehicles. The Journal also notes that the company will install chargers in 15 metro areas, and develop a 200-station cross-country charging network. The company is also expected to experiment with other mobility plans like car-sharing.

Reuters (2/7, Shepardson) reports the company will install more than 500 charging stations across the country, with 300 in those 15 metro areas. Volkswagen's investment also includes its "Green City" initiative where it will test out other mobility concepts. Mark McNabb chief executive of Electrify America was enthusiastic about the program saying it is "an opportunity to transform an industry. How many times in life do you get that opportunity?" Reuters adds that Volkswagen must submit all plans for regulatory approval from California and the EPA, and notes the company will invest \$500 million every 30 months until it meets its goal.

Additional Reading.

- **Op-Ed: EPA's Change Of Heart On Fracking Is Purely Political, To Appease 'Greens'.**
Buffalo (MO) Reflex. (2/7)

Environmental Justice

California Regulators, Lawmakers Discuss How To Target State Climate Spending On Disadvantaged Communities.

The Los Angeles Times (2/7, Megerian) reports that lawmakers, regulators, and representatives from advocacy groups met on Monday in Oakland to develop "an updated series of guidelines to send cap-and-trade revenue to low-income neighborhoods," as required by legislation passed last year. The parties involved discussed challenges to their mission, asking questions like: "How can low-income people benefit if they don't live in an area that's predominantly low-income? Do transit lines passing through low-income areas count under the state guidelines?"

International

NYTimes Analysis: Coal Plants May Hamper China's Climate Pledges.

The New York Times (2/7, Wong) reports that China's coal plants "undermine" the nation's "aim of being a global leader on efforts to limit climate change." Despite such pledges to reduce carbon emissions, "at least four such plants have begun operating in China in the past four years, pushed by local governments and state-owned enterprises in coal-rich regions," and "dozens more have been under consideration."

Additional Reading.

- **Macedonian Capital Offers Free Transport To Fight Pollution.** AP. (2/7)
- **The Best And Worst Countries In The World When It Comes To Air Pollution And Electricity Use.** Business Insider. (2/8)

Other News

EPA Official Continues Working As Washington State Senator.

The Washington Post (2/7, Rein, Dennis) reports that Washington State Sen. Doug Erickson, an early supporter of President Trump, has been tapped by the President to run "communications and helping to reshape the Environmental Protection Agency," but he has remained "a top Republican in the Washington state Senate, which is currently in session 2,808 miles due west in Olympia." Erickson, "has pretty much been missing in action for the first month of the legislature's 105- day session," and his absence "is the linchpin to party control of the state Senate, since Washington state Republicans control the chamber by just one vote." While his "dual roles are legal, since his EPA appointment helping run the agency's 'beachhead' team is temporary and can last only 120 days," it "hasn't stopped Democrats from pouncing."

Trump's Top Political Aide To Stay On With EPA Following Transition.

E&E Publishing (2/8) reports that acting EPA Administrator Catherine McCabe announced that Don Benton, President Trump's top political aide at the agency, will remain on board with the agency following the transition period.

Four Lawmakers Support Bill To Abolish EPA.

The Biloxi (MS) Sun Herald (2/7, Hampton) reports that freshman Rep. Matt Gaetz's bill proposing to "terminate the Environmental Protection Agency" has been co-sponsored by three other lawmakers, including Reps. Steven Palazzo (MS), Thomas Massie (KY), and Barry Loudermilk (GA).

Rules/Regulations/Policy

House Science Committee Holds "Make Environmental Protection Great Again" Hearing.

The Hill (2/7, Cama) reports on the "Make Environmental Protection Great Again" hearing held by a House Science committee intent on passing the "Secrete Science Reform Act," which would require all science used by the EPA to justify regulations be transparent and reproducible. During opening statements, Rep. Lamar Smith (R-Texas), the chairman of the House Science Committee, argued that "over the last eight years, the EPA has pursued a political agenda, not a scientific one."

He said that the measures offers “an opportunity to right the ship at EPA and steer the agency in the right direction.”

The Washington Post (2/7, Harvey) reports that “other lawmakers took issue with what they perceived to be an assault on the agency’s ability to produce sound science-based regulations.” The committee’s ranking Democrat member, Rep. Eddie Bernice Johnson, said, “I’m disappointed but not really surprised our very first hearing in this Congress will be focused on attacking the EPA.”

The Huffington Post (2/6, Kaufman) reports that witnesses speaking before the hearing include “a coal lawyer, a chemical industry lobbyist and a libertarian scholar who recently accused the Environmental Protection Agency of ‘regulatory terrorism.’” The witnesses “seem likely to echo” the views of Rep. Smith.

Grist (2/7, Permenter) reports that Democratic Rep. Don Beyer “trolled” Trump supporters by wearing a “Keep the EPA Great” hat to the hearing.

BuzzFeed (2/8, Grandoni) reports that while the call for more transparency “seems benign on its face,” those who oppose the bill say it is “simply a pretext for making the job of EPA scientists more difficult.” For example, “Much of the research the EPA relies on to craft air and water rules are...health studies that contain personal information on patients and their family members.” Disclosing such data used in an asthma study would violate health privacy laws, therefore under the proposed rule such data could be precluded from being used in the EPA’s rule-making process.

Silverstein: “Secret Science Reform Act” Aims To Curb EPA’s Power. Forbes (2/7) contributor Ken Silverstein discusses the “Secret Science Reform Act” proposed during the hearing. “On the surface,” the goal of the bill is to increase transparency and to see how data is being assessed. However, Silverstein says the “true intent is to tie EPA’s hands and to prevent it from carrying out its job.” EPA’s backers say that if implemented, the bill would “actually prevent large scale scientific studies from being used to craft regulation, given that such analyses can’t be reproduced” because any attempts to do so would “be an expensive undertaking, or \$250 million over the next few years, says the Congressional Budget Office.” Silverstein argues that the bill is an attempt to “curb EPA’s powers,” and that “allowing Pruitt a chance to kill regs with unquestionable benefits would be the agency’s death knell, and probably that of the President of the United States.”

EPA Approves Wisconsin Plan To Avoid Phosphorous Compliance With Fees.

The AP (2/7, Lombardo) reports that the EPA approved a plan proposed by two Republican Wisconsin state lawmakers that will allow corporate polluters to “pay to delay compliance with strict phosphorous pollution standards.” The fees paid by the polluters would be used to fund county projects to reduce runoff. Wisconsin Sen. Robert Cowles “said these investments could be more effective at reducing phosphorous levels than forcing companies to make costly repairs or install water filtration systems.” Cowles also said he wasn’t sure upgrades to pollution-control equipment would make a difference in phosphorous levels. Detractors of the plan say there are already alternatives for companies that are unable to meet the standards, and that this plan only gives them more leniency. The Chippewa (WI) Herald (2/7, Verburg) reports, “some conservation groups have opposed the state plan, saying it lacked teeth to ensure that the fees would result in any significant improvement in water quality.”

Water

US District Judge Continues Dismissing Flint Water Crisis Lawsuits Due To Safe Drinking Water Act Preemption.

In continuing coverage, the [Detroit News](#) (2/7, Chambers) reports US District Judge John Corbett O'Meara issued an opinion and order dismissing two cases filed against Michigan Governor Rick Snyder and other state officials over the Flint water crisis. Judge O'Meara ruled that the suits were preempted by the Safe Water Drinking Act, the same reasoning he used in dismissing two other lawsuits involving the water crisis. [MLive \(MI\)](#) (2/7, Fonger) reports attorneys for one of the two cases "filed a notice of appeal of O'Meara's decision in their case on Monday, Feb. 6."

Engineering Company Estimates Upgrading Flint's Water Plant Will Cost \$108M.

The [AP](#) (2/7) says a report from engineering and construction company CDM Smith estimated that the total cost of upgrading Flint's water treatment plant will be around \$108 million, which is higher than previous estimates. According to the AP, "The report estimates work on the plant can be completed in 2019-2020. The state Department of Environmental Quality must agree to the final version of the consultant's report."

[MLive \(MI\)](#) (2/7, Fonger) also provides coverage.

Additional Reading.

- [New York To Expand Blood-testing Program For PFOS, PFOA. Middletown \(NY\) Times Herald-Record.](#) (2/7, Sparks)

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<epaNewsBriefing170208.doc>

To: Ericksen, Doug[ericksen.doug@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]
Cc: Cox, Michael[Cox.Michael@epa.gov]
From: Cox, Michael
Sent: Fri 2/24/2017 8:17:28 PM
Subject: Presentation by Administrator Pruitt: Friendly suggestions for next presentation

I wanted to pass along some friendly suggestions from a fellow Pacific Northwesterner.

I started working for EPA in 1987 (I actually worked with Dave on the Lead/Copper Drinking Water Rule. He may not remember me) and have heard several new Administrators first speeches.

I thought Administrators Pruitt's presentation was good especially when he discussed the importance of listening and learning.

I understand this was his introduction to EPA staff and it was short, but I had a few suggestions for future speeches to EPA employees.

1. **Science:** I did not hear much about science. For many of us at EPA, using the best science is the backbone of the work we do. Suggest emphasizing the use of science.
2. **Tribes:** Did not hear anything about Tribes. They are a critical partner and as you know we have specific treaty obligations towards tribes. Suggest including tribes as partners along with states and others.
3. **Human Health:** As you know our mission is to protect human health and the environment. I heard a lot about the environment but not much, if anything, about human health. Suggest emphasizing both.
4. **Questions:** I understand the intent of the first speech was to introduce himself, but in the future I would suggest taking questions. While I understand this can be challenging, I think to

gain credibility it is important. A past Administrator came to Seattle and her staff told us very clearly that we could not ask questions. We could submit written questions but not ask directly. I think it sends a very bad message to staff if the leader of the organization is not willing to answer questions.

5. **Quote:** The quote Administrator Pruitt provided from John Muir was good. However, subsequent to that, some people went and found the whole quote, which conveys a different meaning read in whole than I think Administrator Pruitt wanted to convey.

Anyway. Good luck.

Michael Cox

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